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Turks and Caicos Islands

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I. General

1. The Turks and Caicos Islands is a Non-Self-Governing Territory administered by the United Kingdom of Great Britain and Northern Ireland. The Territory comprises 40 islands and cays, which lie 145 kilometres north of Haiti and the Dominican Republic and 925 kilometres south-east of Miami, United States of America. Six islands are permanently inhabited: Grand Turk, where the administrative capital, Cockburn Town, is located; Providenciales, the business and tourist centre; North, Middle and South Caicos; and Salt Cay. The area of the Territory is 948.2 square kilometres.[1]

2. The Turks and Caicos Islands were discovered by Spain in 1512. From 1874 to 1959, the Islands were governed by the United Kingdom of Great Britain and Northern Ireland as a dependency of Jamaica. They became a separate colony of the United Kingdom in 1962, under the control of the Bahamas. When the Bahamas achieved independence in 1973, the Turks and Caicos Islands were placed under a British Governor stationed in Grand Turk.[2]

3. As reported previously, the British Overseas Territories Act of 2002 provided the right to British citizenship for the citizens of all United Kingdom Territories, including the Turks and Caicos Islands.

4. According to information provided by the administering Power, the estimated total population of the Territory for 2007 stood at 34,862[2] and according to the territorial Government, it is expected to grow by almost 2,000 during 2008.[3] This represents a large increase over the 2001 figure of 19,886 and is due mainly to immigration. According to the latest available statistics, some 21,500 individuals, mostly from Haiti and the Dominican Republic, as well as the United States of America, Canada, the United Kingdom and other European countries, are considered "non-belongers".[4] Approximately 11,750 citizens of the Turks and Caicos Islands, the so-called "belongers", have the right to vote and to stand in general elections. Belonger status is granted by the Cabinet based on length of residence in the Territory, contribution to society and how well one has assimilated into the community. One may also become a belonger through marriage.

5. Nearly two thirds of the belonger population and the great majority of the expatriate community (approximately 17,750) reside on Providenciales.[4] The second largest population centre is Grand Turk, with approximately 5,700 inhabitants, followed by North, Middle and South Caicos and Salt Cay.[4] The majority of the Territory's population is of African descent, the rest being of mixed or European origin. English is the main language, with some Creole spoken by Haitian immigrants. The main religion is Christianity.[2]

Note: The information contained in the present paper has been derived from published sources, including those of the territorial Government, and from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations.

[1] www.depstc.org/quickstats/qstat1.html, accessed 8 February 2007.

[2] Information transmitted by the administering Power, 9 January 2008.

[3] Turks and Caicos Government website, www.depstc.org/census.

[4] Kairi Consultants Limited, Main Situational Analysis Report, October 2006, p. 19.

II. Constitutional, legal and political issues

6. A new Constitution came into effect in Turks and Caicos on 9 August 2006. It was negotiated as a result of the 1999 United Kingdom Government White Paper on the relationship between the United Kingdom and its Overseas Territories,[5] which required the Territories to amend their local legislation in certain areas, in order to meet international standards. The British Overseas Territories Act 2002 came into force in May 2002.[6]

7. Under the new constitution, the Turks and Caicos Islands continues to operate on the basis of a ministerial system of Government. There continues to be a Governor in the Territory appointed by the administering Power.[2] The current Governor is Richard Tauwhare, who was sworn into office on 11 July 2005. The new Constitution created the position of Deputy Governor who must be a belonger and is appointed by the Governor. The first Deputy Governor, Ms. Mahala Wynns, was appointed on 9 August 2006.[7]

8. The Executive Government consists of a Cabinet, headed by a Premier, Mr. Michael Misick, and composed of the Governor as Chairman, the Premier, six other Ministers and the Attorney General. The Governor is responsible for external affairs, defence, internal security, including the police force, and some public service matters, including the regulation of international financial services, and consults with the Cabinet as necessary. Other portfolios are administered by the various Cabinet Ministers. The Governor acts on the advice of the Cabinet on these matters unless otherwise instructed by the Secretary of State on behalf of the administering Power. An Advisory National Security Council, chaired by the Governor, makes recommendations to the Cabinet on national security issues.

9. Since the 2006 Constitution came into effect, the Territory has also had a House of Assembly consisting of a Speaker, 15 elected members, four appointed members and the Attorney General.[2]

10. There are two main political parties in the Territory: the People's Democratic Movement and the Progressive National Party, formed in 1975 and 1980, respectively.

11. The most recent general election was held on 9 February 2007 with a voter turnout of 85 per cent.[8] The ruling Progressive National Party under Premier Misick won 13 seats, against 2 won by PDM.[9] The new Cabinet was sworn in by the Governor on 12 February 2007.[10] For the elections, the House of Assembly adopted the decision to increase the number of constituencies from 13 to 15 in order to take into account the increased population on Providenciales.[11]

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[5] "Partnership for Progress and Prosperity: Britain and the Overseas Territories", White Paper submitted to the House of Commons on 17 March 1999 by the United Kingdom Secretary of State for Foreign and Commonwealth Affairs.

[6] See A/AC.109/2006/15, www.opsi.gov.uk, explanatory memorandum to the Turks and Caicos Islands Constitution Order 2006 (Statutory Instrument 2006 No. 1913).

[7] www.turksandcaicosislands.gov.tc, 14 August 2006.

[8] Ibid., 22 February 2007.

[9] www.caribbeannetnews.com, 12 February 2007.

[10] www.tcifreepress.com, 15 February 2007.

[11] www.tcifreepress.com, 13 January 2007.

12. The next general election is due by April 2011.[12]

13. The legal system is based on English common law. Under the provisions of the 2006 Constitution, it continues to include magistrates' courts, the Supreme Court and the Court of Appeal, with ultimate recourse to the Privy Council. On the advice of the newly established Judicial Service Commission, the Governor appoints judges and magistrates. The posts of Attorney General and Chief Justice were advertised internationally, with both vacancies filled by individuals from the United Kingdom.[2]

14. Within the exercise of the constitutional review leading to the 2006 Constitution, an issue of particular importance to the Turks and Caicos Islands was the degree of self-government that might be achieved, including the possibility of full internal self-government. Meanwhile, the United Kingdom has consistently maintained its position that territories can exercise a choice for independence, where it is an option and where it is the clearly expressed wish of the people; however, for as long as that territory maintained a relationship with the United Kingdom, the United Kingdom would have to retain sufficient powers to protect its overall responsibility for the territory concerned. In that light, the Territory's Constitutional Modernization Review Body explained that, given the United Kingdom's position, a constitution encompassing a full measure of internal self-government (e.g. a "Bermuda-style" constitution) represented a "pre-independence" constitution and would have to be accompanied by a timetable for independence. Once that became known, there was little support in the Territory for independence[13] (for more details see previous Working Paper, A/AC/109/2007/5). The text of a new Constitution was agreed upon between the United Kingdom and the Turks and Caicos Governments in October 2005[6] and entered into force on 9 August 2006.[14]

15. While that process was ongoing, and at the request of the territorial Government, the Special Committee on Decolonization sent a mission to the Turks and Caicos Islands from 2 to 7 April 2006, the first to the Territory since 1980, to assess the situation on the ground and to inform interested groups and the public on matters of self-determination. Addressing the issue of specific political options in its report, the special mission found that the policy of the administering Power not to offer integration or free association had made the matter more complex. As a result, many people in the Turks and Caicos Islands appeared to have dismissed those options, even when it was explained that such alternatives were available to the Territory even with countries other than the United Kingdom. In this context, it should be noted that the political leadership of the governing party had been engaged in discussions with Canada, most recently in 2004, on a possible free association arrangement, thus demonstrating that such possibilities were clearly understood at the highest political levels.[15]

16. During a visit to the Bahamas in October 2007, Premier Misick reiterated earlier comments with regard to independence, noting that it was his party's decision that ultimately they would like to see Turks and Caicos as an independent country when the time was right. The Premier underlined that the current focus remained on maintaining economic independence, adding that Turks and Caicos had a window of opportunity in the next five years to develop into a first-world country

[12] www.eiu.com, Country Report January 2008.

[13] Information transmitted by the administering Power, 9 January 2007.

[14] Explanatory memorandum to the Turks and Caicos Islands Constitution Order, www.opsi.gov.uk.

[15] The report of the Special Committee's visiting mission: A/AC.109/2006/19.

with modern infrastructure. "We're putting together all of the necessary infrastructure and creating a viable economy and a viable country so that independence as an option will be an easy transition if and when the people choose to go that route," he said. The Premier also noted that there were advantages to retaining ties with the United Kingdom. He noted benefits such as schooling without the additional costs tied to international students and the ability to gain employment without having to acquire work permits.[16]

17. On 5 July 2007, the Foreign Affairs Committee of the United Kingdom House of Commons began a comprehensive inquiry into the exercise by the Foreign and Commonwealth Office of its responsibilities in relation to the Overseas Territories and the achievements of the Foreign and Commonwealth Office against its Strategic priority no. 10, the security and good governance of the Overseas Territories. During the first oral evidence session with the Foreign Affairs Committee of the House of Commons in London on 3 December 2007, Premier Misick stated that it was time for all territories to have a modern relationship with the United Kingdom and to embrace real cabinet Government, as in Gibraltar and Bermuda, where the Chief Minister or Premier was President or Chairman of the Cabinet. With regard to his Territory's new constitution, he noted that while it was certainly working, he still believed that maximum autonomy could have been given within the framework of their relationship with the United Kingdom.[17]

18. The Premier also pointed out the need for better relations between the Parliament of the United Kingdom and the Members of Parliament in the overseas territories. Representation from the territories was needed, as in the cases of Scotland and Wales; such representation could be in the House of Commons or elsewhere. On certain issues, such as security, and some elements related to foreign relations, he also believed there was scope for a degree of delegation of the Governor's power.[13]

19. On a separate issue, the Foreign Affairs Committee also questioned the Premier about allegations of substantial financial impropriety taking place in the Turks and Caicos Islands. The representation received by the Committee implied that corruption, including at the Government level, was taking place, although the Committee noted it had reached no view or conclusion on the matter. Premier Misick categorically denied that there was any corruption at the Government level in the Territory. He also informed the Committee that an anti-corruption bill was undergoing a first reading in their parliament, and that the Government intended for it to go through during the first quarter of 2008.[13]

III. Budget

20. The budget is projected on a triennial basis, with annual revisions. The fiscal year covers the period from April to March.[18]

21. The 2007-2008 budget address, presented by the Minister of Finance on 23 April 2007, outlines a total of recurrent expenditure of approximately

[16] TCI Free Press, tcifreepress.com, 31 October 2007 and tcweeklynews.com, 22 October 2007.

[17] www.parliament.uk.

[18] Social and economic indicators 2005, Caribbean Development Bank, Economic Department, April 2006.

$231 million, which represents a 16 per cent increase over the previous fiscal year. Furthermore, recurrent revenues of $237 million, representing a 15 per cent increase over 2006-2007, are expected. At the end of the 2005-2006 fiscal year, there was a surplus of $17.5 million. The projected surplus for the 2007-2008 fiscal year is $5.8 million.[19]

22. While the overall economy of the Territory has made great progress over the past two decades or so, the Government has acknowledged the need to address considerable imbalances among the various islands and social groups. One measure taken was the launch of a Ten-year National development plan on 27 October 2005, reported in the 2007 working paper (A/AC.109/2007/5), with the aim of providing a long-term vision for the Territory's development and a strategic framework for Government and private sector activities.[20] The Plan consists of a series of three-year cycles linked to the Public sector investment programme and a recurrent expenditure programme.[21] In his April 2007 budget address, the Minister of Finance noted that the Government intended to use the development plan as a basis for future budgets, in an effort to ensure budget allocations according to the stated goals of the plan.

23. In recent years, the Turks and Caicos Islands have received funding from the European Union and multilateral agencies, in addition to funds from the United Kingdom. Under the European Development Fund, in 2007 the Turks and Caicos Islands received $13 million in funding to build a causeway between North and Middle Caicos (see also sect. IV E). There are also discussions on future European assistance to the Islands under European Development Fund, scheduled to begin in early 2008.[22]

IV. Economic conditions

A. General

24. Since the 1980s, the main sectors of the economy have been upmarket tourism, international financial services, fishing, property development and real estate. Foreign investors, mainly from Canada, the United Kingdom and the United States, play a significant role in the economic life of the Islands. The main focus of investment activity is the island of Providenciales.[23] The territorial Government levies no taxes on corporate or personal income, capital gains or inheritance. The United States dollar is the official currency of the Turks and Caicos Islands.

25. According to the administering Power, the economy has remained buoyant throughout most of 2007. Gross Domestic Product (GDP) growth in 2006 was estimated at 10.8 per cent, following growth of 12 per cent in 2005, and 11.6 per cent in 2004. GDP at constant prices has continued to rise from $368,724 (2004) to $413,005 (2005), and to $457,726 (2006).

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[19] 2006-07 Budget Address, May 2006, pp. 12 and 21.

[20] www.depstc.org, press release, May 2006.

[21] "Launch of the Ten-year development plan for the Turks and Caicos Islands", by Mr. Hall, 27 October 2005, www.depstc.org.

[22] www.depstc.org, press releases, November 2006.

[23] www.eiu.com, Country profile, Turks and Caicos Islands Main report, 7 June 2006.

26. Tourism and related real estate development, predominantly in Providenciales, account for 53.9 per cent of GDP, and the financial services sector accounts for 11.8 per cent.[24] The Department of Economic Planning and Statistics of the territorial Government reported that agriculture and fishing contributed 1.3 per cent, industries 7.2 per cent and services 16 per cent in 2006.[25]

27. The tourism and construction boom has spread to the Caicos Islands and Grand Turk. The territorial Government is investing heavily in infrastructure projects across the Territory, such as roads, ports and airports. In December 2007, the Minister of Finance, Deputy Premier and the Minister of Health signed an agreement to provide financing for two new hospitals, to be located in Grand Turk and Providenciales. The hospitals, which will require an investment of around $100 million, represent the largest single capital investment project ever made by the Government.[26] In addition, funding of $50 to $100 million has been obtained from the RBTT Merchant Bank of Trinidad and Tobago to build schools, recreation facilities, a new courthouse and new police headquarters.[27]

B. Tourism

28. The Turks and Caicos Islands tourism sector continued to record one of the fastest growth rates (41 per cent in 2006) in the entire Caribbean. Tourist arrivals have more than tripled since 1995, when arrivals stood at 78,957, to 248,343 in 2006. According to the Director of the Tourism Board, a further 9 to 11 per cent growth is expected from 2006 to 2007.[28] Most tourists come from the United States (68 per cent of total visitors), followed by Canada (12 percent) and Europe (10 per cent).[29]

29. The vast majority of arrivals (84 per cent) are accommodated at resorts on Providenciales. A $35 million Carnival cruise ship port project in Grand Turk was completed in 2006. The terminal has brought economic opportunities for small businesses and traders in Grand Turk, boosting the economy on the island[2] far beyond expectations, with well over 200 ships and 400,000 passengers having visited the port by the end of 2007. According to the Grand Turk Cruise ship schedule, an estimated 148 cruise ships are expected to call on Grand Turk during the first 10 months of 2008.[30]

C. Financial services

30. Financial services, including company registration, trust business and insurance, are the second largest source of external revenue after tourism and the

[24] Economic survey of the Caribbean 2005-2006, October 2006 (http://www.eclac.cl/cgi-bin/getProd.asp?xml=/publicaciones/sml/9/26989.xml&xsl=/portofspain/tpl-i/p9f.xsl&base=/portofspain/tpl-i/top-bottom.xslt.

[25] www.depstc.org, labour and employment statistics.

[26] The Economist Intelligence Unit, www.eiu.com, Country Report 2008.

[27] www.carribbeannetnews.com, 16 January 2008.

[28] www.suntci.com/year.asp: Accessed 22.01.2008.

[29] www.depstc.org/stat/economic/tourism.html: Accessed 22.01.2008.

[30] www.travelvideo.tv/news/comments.php, 11 January 2007, and "Turks and Caicos Sun" www.suntci.com, 29 February 2008.

third largest employer in the Turks and Caicos Islands. In September 2007, the Government passed a financial services bill, the Financial Services Commission Ordinance, which the Minister of Finance described as a major initiative in the move towards a more mixed and diverse economy.[31] According to information provided by the administering Power, the main aims of the Financial Services Commission Ordinance are to enforce the independence of the Financial Services Commission from the Government by segregating finances; clarify sanctions available to the Financial Services Commission when a breach of legislation, regulations or guidelines occurs; and to eliminate delegated responsibility and revert authority to the management of the FSC for all matters pertaining to the FSC.[32]

31. In his 14 January 2008 address to the Islanders, the Premier announced that in an effort to ensure the continuing competitiveness of the Territory for global investments, it had been decided to separate certain functions currently undertaken by the Office of the Premier, as of 1 April 2008. The Premier added that a banking agency, to be called the Turks and Caicos Development Bank, would be established within the Ministry of Finance, to widen its scope to focus on empowering belongers by assisting in training, small business management, entrepreneurship and sourcing funds for more lending. Meanwhile, the Turks and Caicos Trade and Investment Promotions Agency would remain within the office of the Premier, with a focus on promoting inward investment, trade and the marketing of financial services products.[33]

32. According to the administering Power, constitutional responsibility for the international regulation of the Territory's offshore finance sector continues to rest with the Governor.

33. The use of the United States dollar as the official currency continues to be among the attractions for offshore companies, along with the absence of direct taxation, a growing financial infrastructure, fast and straightforward company registration procedures, extensive financial freedom and confidentiality. Several pieces of new legislation to enhance the regulatory framework are being prepared, including separate reviews of banking, insurance and company ordinances. Also, a money transmission ordinance came into effect in October 2007.[34]

D. Agriculture, fisheries, construction and manufacturing

34. Agricultural production, based mostly on North and Middle Caicos, is small and consists mainly of subsistence-type farming.[35] The sector has begun to grow in recent years, with more produce available for sale on Providenciales, and the establishment of a farmers' cooperative. About 20 per cent of the Territory's working population is involved in agriculture and fishing.[25] Efforts are continuing to develop an agricultural policy to assist local farmers and promote substitution for some imported food items. Investment in high-value, specialty export activities, such as fin-fish and shrimp farming, tropical fish breeding, hydroponic gardening and ornamental horticulture, has great potential. The Department of Economic

[31] http://www.suntci.com/financial.asp.

[32] Information transmitted by the administering Power. 5 February 2008.

[33] Turks and Caicos Sun, www.suntci.com, 15 January 2008.

[34] Information transmitted by the administering Power on 5 February 2008.

[35] Ibid., p. 55.

Planning and Statistics of the territorial Government reported that during the period under review, agriculture and fishing contributed 1.3 per cent to GDP.[36]

35. Conch and lobster are the main catches. According to the administering Power, the Turks and Caicos Islands is home to the world's only commercial conch farm, where domestic conch is raised for export. The Ministry of Natural Resources, Fisheries, and the Environment is also engaged in a five-year research project to assess the feasibility of establishing lobster aquaculture on the Islands.[37] A pilot project to produce shrimp and tilapia at fish farms is scheduled for the spring of 2008 with the hope that a commercial-scale farm will be completed by the end of 2009.[38]

36. The Department of Environment and Coastal Resources launched an environmental awareness campaign in 2007, specifically targeting businesses and defining their role in the Territory's conservation efforts. In November 2007, the Turks and Caicos Government hosted a regional Environmental Conference in Providenciales on fostering a green culture in small island nations, at which Ministerial Heads and Ministers of the Environment from the Caribbean Community and the British Overseas Territories met to discuss policy initiatives, legislative advancements, technological innovations and research that had been undertaken in environmental management in their respective countries.[39] During his January 2008 address, the Premier announced the decision of the Government to create an umbrella agency, called the Environmental Protection Agency, dealing with all issues of environmental protection, preservation and management.

37. International construction companies are based in the Turks and Caicos Islands. Sand and rock are quarried locally for use in construction projects, most significantly for hotels and commercial buildings.[25] According to the latest available real estate sales figures for 2006, strong increases in high-value transactions could be detected, with the gross number of sales (157) rising compared to 2005 by 44 per cent, representing a total value of $83 million.[40]

38. As reported in the 2006 working paper, in February 2006, the Government launched the Territory's first affordable housing programme, open to all local citizens and residents. The goal of the programme is to provide anywhere from 70 to 500 homes.[41] At the beginning of 2007, the first 107 people moved into 20 newly built homes in the public housing project in Blue Hill, Providenciales.[42]

39. The production of local goods, such as handicrafts, has grown in tandem with the vast economic development and tourism.[43]

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[36] www.depstc.org, labour and employment statistics.

[37] www.caribbeannetnews.com: 21 January 2008.

[38] Shrimp News International, www.shrimpnews.com, 14 December 2007.

[39] www.caribbeannetnews.com: 7 September 2007.

[40] www.turksandcaicosproperty.com, accessed 31 January 2007.

[41] See A/AC.109/2006/15.

[42] www.tcifreepress.com, 27 January 2007.

[43] www.tcinvest.tc/manufacturing.htm.

E. Infrastructure

40. Transport and communication facilities are of fairly good quality. The road network covers about 120 kilometres, with 24 kilometres of paved roads on Grand Turk, Providenciales and the Caicos Islands.[25] As mentioned in paragraph 23, European Development Funds were secured to build a new causeway to link the two largest Caicos Islands (North and Middle). The causeway was officially opened by Premier Misick in October 2007. The causeway is one of a series of initiatives to improve transport links between the islands. A tarmac road network from the western tip of North Caicos to the eastern tip of Middle Caicos has also been constructed.[25] As part of a $70 million airport redevelopment project, the North Caicos airport is being upgraded to allow for an expected increase in use of the airport. A new terminal will also be built to alleviate overcrowding at the Providenciales International Airport, and its runway is being extended from 7,700 to 10,000 ft. to accommodate trans-Atlantic flights. The territorial Government will pursue a further phase of bridge-building, with a planned link to East Harbour, South Caicos, to unite all three Caicos Islands.[44]

41. During the period under review, the airports on Providenciales and Grand Turk received regular flights from the Bahamas, the Dominican Republic, Haiti, Jamaica, the United Kingdom and the United States.

42. Domestic inter-island air services are provided by Skyking, Turks and Caicos Airways and some local charters. North, Middle and South Caicos each have paved airstrips.[45]

43. The main commercial port (South Dock) is situated in Providenciales. Grand Turk also has a commercial port, and a new deep water port in North Caicos was completed in 2007.[46]

44. As reported in the 2006 working paper (A/AC.109/2006/15), Cable and Wireless, a British telecommunications company, used to provide all domestic and international telephone services in the Territory. In July 2004, the telecommunications bill introduced gradual liberalization of the sector and created a commission to regulate the industry. Since Cable and Wireless relinquished its exclusive licence, an ongoing process of liberalization is expected to result in a total of four companies serving the Islands. Two companies, Digicel and Island.com are already operating.[47] This has extended the range of services available and improved mobile phone coverage.

45. There are 12 cable television channels on Grand Turk and 32 on Providenciales, and 6 radio stations. Official on-air testing for an additional new national television channel with TCI New Media Network took place on 28 January 2008. There are no daily newspapers, but the first daily on-line news forum for the Turks and Caicos Islands, established by the Turks and Caicos television network WIV4, was launched in November 2007.[48] The Turks and Caicos Weekly News and

[44] The Economist Intelligence Unit, www.eiu.com, Country Report 2008, and Premier Misick's address, 14 January 2008, www.suntci.com.

[45] Information transmitted by the administering Power, 9 January 2007; www.eiu.com, country profile, 7 June 2006.

[46] Eagle Land DevelopmentsTurks & Caicos Islands, 2007, www.caicosproperties.tc/News.html.

[47] Information transmitted by the administering Power, 9 January 2008.

[48] http://wiv4.wordpress.com/about-2/.

Turks and Caicos Sun are published weekly. The Turks and Caicos Islands Free Press is published once every two weeks. The Times of the Islands, an international magazine aimed at business and tourism, is issued quarterly.[25]

V. Social conditions

A. Immigration and labour

46. During the Foreign Affairs Committee's first oral evidence session of the inquiry into the Overseas Territories on 3 December 2007, Premier Misick stated that one of the greatest threats to Turks and Caicos was illegal immigration from Haiti. He noted that on average 400 to 500 people a week came by boat to Turks and Caicos and that the Government was spending millions of dollars repatriating them with no financial assistance from the United Kingdom. He also added that, while boats from the Royal Navy occasionally made visits, they did not provide assistance in patrolling the waters surrounding the Islands.[13]

47. Certain social problems, such as overcrowding, housing shortages and an increase in the number of female-headed households, are particularly affecting migrant workers, with both Chinese and Haitian immigrants known to be living in overcrowded makeshift camps.[49] In late September 2007, three Haitian migrants awaiting deportation from the Turks and Caicos Islands died in an overcrowded detention centre, reportedly of dehydration. The detention centre had been dealing with a high number of Haitian migrants and this was the second incident of fatalities among detainees. The incidents have focused attention on the treatment of Haitian migrants.[50]

48. In September 2006, the Department of Economics, Planning and Statistics estimated that in 2005, the Turks and Caicos labour force was 18,966. Some 70.9 per cent of the workforce is employed in the service sector, followed by industries and agriculture and fishing. The second largest group of employees besides Turks and Caicos islanders were Haitians, comprising 4,154 in 2006.[51]

49. In comparison to the period 1990-2004, in which the unemployment rate never fell below 12 per cent, the unemployment rate in 2006 was 8 per cent. However, unemployment is spread unevenly throughout the Territory; Providenciales has almost full employment, whereas on the other islands, unemployment varies from 14 to 20 per cent. Thus, inter-island migration by people in search of work is common.[2]

50. Under the Employment Ordinance 2004, as of 1 December 2006 the Turks and Caicos Islands instituted a minimum basic wage of $5 per hour.[52] Trade unions are not permitted on the Turks and Caicos Islands. Labour disputes are dealt with via the Island's Labour Tribunal.[53]

[49] http://tcweeklynews.com/8 October 2007, and www.suntci.com, 20 November 2007.
[50] www.eiu.com, Turks and Caicos Islands Country Report, January 2008.
[51] www.depstc.org, labour and employment statistics.
[52] www.caribbeannetnews.com, 1 December 2006.
[53] http://www.suntci.com/unions.asp, 26 September 2007.

B. Education, youth and sports

51. Education in the Territory is free and compulsory for children from 5 to 16 years of age. There are 39 schools on the Islands, total, with a total enrolment of 5,257, covering preschool through tertiary education. Fourteen of these are Government-run schools. Of the 14, 10 are primary schools and 4 are high schools. Although there are more private than public schools, more students are enrolled at public schools — 3,291 and 1,966 students respectively.[54] As to higher education, there is a community college with branches on Grand Turk and Providenciales that provides two-year courses, mostly in vocational subjects. The adult literacy rate is 98 per cent.[2]

52. An increase in projected expenditures for the 2006-2007 fiscal year includes an increase in the support to the Sports Commission to $818,396 and in scholarship costs to $13 million.[55] Since January 2007, citizens from the Overseas Territories have benefited from the home student fee rate at English universities.[56]

53. The Territory opened its first hotel school on 6 January 2007. It offers specialized courses to help interested Turks and Caicos islanders enter the tourist industry.[57]

54. For the first time in history, Turks and Caicos Islands successfully hosted the Caribbean Free Trade Association Games, on Providenciales on 6 and 7 April 2007.[58] During the Foreign Affairs Committee's first oral evidence session of the inquiry into the Overseas Territories on 3 December 2007, Premier Misick raised the issue of a Turks and Caicos Olympic team. "Despite the fact that we have a constitutional relationship with the United Kingdom, all of our various Territories have their own distinct identities. The people have their own aspirations and national pride. Nothing in the world can instil national pride and identity more than sports. I believe it is an injustice," he said.[59]

C. Health

55. The public hospital network is comprised of the main facility, the Grand Turk Hospital and the Myrtle Rigby Health Clinic, located on Providenciales. There are nine community health clinics on six islands: a 30-bed health complex on Grand Turk; a Government clinic on Providenciales; two clinics on Middle Caicos and two on Caicos; a clinic on South Caicos; and one on Salt Cay.[60] As mentioned earlier, in December 2007, the Ministers of Finance and Health signed an agreement to provide financing for two new hospitals to be located on Grand Turk and Providenciales, at the expected cost of $100 million.[61]

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[54] Turks and Caicos Islands' Department of Economic Planning and Statistics, February 2008, www.depstc.org.

[55] 2006-2007 budget address, May 2006, p. 28.

[56] http://www.fco.gov.uk, 23 November 2006, Lord Triesman, Overseas Territories Minister, eighth meeting of the Overseas Territories Consultative Council on 21 and 22 November 2006.

[57] www.suntci.com, 2 February 2007.

[58] www.jonesbahamas.com, 18 April 2006.

[59] www.parliament.UK.

[60] Kairi Consultants Limited, Main Situational Analysis Report, October 2006, p. 81.

[61] www.eiu.com, Turks and Caicos Islands Country Report, January 2008.

56. Directors from the American International Institute of Health Sciences visited the Turks and Caicos Islands in 2007, with the aim of establishing a medical school in the Territory. It is expected to be ready by May 2008.[62]

57. For anything other than basic health care, Turks and Caicos islanders receive treatment in Miami, United States, at the expense of the territorial Government. However, in Premier Misick's 2008 annual address, the Premier highlighted the Government's concern over the escalating costs of medical treatment abroad, and noted that it was no longer a sustainable alternative, as these treatments continued to represent major budget cost overruns. The Government therefore planned to introduce a national health insurance plan to reduce the cost, announcing that there would be a period of public consultation prior to the implementation of the plan. The Premier noted that, coupled with the construction of the new hospitals, it was hoped that this new initiative would help eliminate the need for medical treatments abroad.

58. The 2006-2007 budget provided approximately $31.182 million to health services, compared with $28 million the previous fiscal year.[63]

D. Crime

59. As previously mentioned, Turks and Caicos is confronted with a large-scale problem stemming from illegal immigration, mostly from Haiti.

60. The territorial Government has begun talks with the Government of Haiti to negotiate a memorandum of understanding covering the smuggling of Haitians and their return. Haitian officials visited the Turks and Caicos Islands in August 2007. According to Premier Misick, as mentioned in section V. A., on average 400 to 500 people per week come by boat from Haiti to Turks and Caicos, where some seek work and others try to move on to the Bahamas or the United States. The local Police Department, particularly the Special Police Immigration and Customs Enforcement Unit, is actively engaged in border control and the detection and return of illegal immigrants, with additional vehicles, aircraft, equipment and staff used for detecting illegal migrants, and boats to patrol Turks and Caicos territorial waters to counter illegal migration and fishing.[64] In May 2007, the Turks and Caicos police were accused of ramming a boat full of Haitian migrants that capsized off the coast of Providenciales, killing at least 63 migrants. However, an investigation by the United Kingdom Accident Investigation Branch found no evidence of such action.[65] In December 2007, the Turks and Caicos Government, the Bahamas Minister of State for Immigration, and the United States Ambassador to the Bahamas held talks to improve cooperation in combating illegal immigration and drug trafficking.[66]

61. Gun-related crime has increased on the Turks and Caicos Islands, leading the police to launch a month-long gun amnesty in May 2007, which led to 7 firearms

[62] www.suntci.com/medical.asp. 14 November 2007.

[63] 2006-07 Budget Address, May 2006, p. 27; Kairi Consultants Limited, Main Situational Analysis Report, October 2006, p. 83.

[64] Information transmitted by the administering Power, 9 January 2007; the Associated Press, 21 February 2007.

[65] www.eiu.com, Turks and Caicos Islands Country Report, January 2008.

[66] www.caribbeannetnews.com/turks. 7 December 2008.

and 71 rounds of ammunition being handed in.[67] During 2007, an additional 36 officers were recruited to the Royal Turks and Caicos Islands police force and a new Five-year strategic plan for the force and a new management service unit were put in place.

62. Other problems include the increase in criminal activities among children and teenagers and the rise of serious criminal cases over the past years to 61 in 2006.

VI. Relations with international organizations and partners

63. In March 2006, the Turks and Caicos Islands was granted associate membership in the Economic Commission for Latin America and the Caribbean. The Territory was admitted as an associate member of the Commission's Caribbean Development and Cooperation Committee in early 2008.

64. The Turks and Caicos Islands is an associate member of the Caribbean Community and of the Association of Caribbean States.[68] The Territory is a member of the Caribbean Development Bank and the International Criminal Police Organization. According to the administering Power, closer links are being sought with the Organisation of Eastern Caribbean States and with the neighbouring Bahamas.[2]

65. Along with 17 Caribbean nations, the Turks and Caicos Islands form part of a World Bank catastrophe insurance pool established to assist the islands in the event of natural disasters.[69]

66. The United Kingdom and the Overseas Territories represented at the 2007 Consultative Council meeting held in London on 4 and 5 December 2007, including the Turks and Caicos Islands, agreed to extend the United Nations Convention Against Corruption to all the Overseas Territories at the earliest opportunity, as well as setting a date of June 2008 for the extension of the ILO Convention 182 on the Worst Forms of Child Labour, and December 2008 for the extension of the Convention on the Elimination of All Forms of Discrimination against Women to all the Overseas Territories.[70]

67. In February 2008, the Minister of Human Services introduced the Human Rights Commission Bill intended to harmonize Turks and Caicos law with that of the rest of the world. The Bill has yet to pass following a debate in the Turks and Caicos Islands House of Assembly.[71]

68. Information on United Nations system activities involving the Turks and Caicos Islands, including on consultations concerning the International Labour Conventions and the International Labour Recommendations, can be found in document E/2006/47.

[67] www.tcifreepress.com, 8 June 2007.
[68] www.acs-aec.org, Pressrelease13, 2006.
[69] http://www.upi.com, 27 February 2007.
[70] www.fco.gov.uk, press release, 6 December 2007.
[71] caribbeannetnews.com, 13 February 2008.

VII. Future status of the Territory

A. Position of the territorial Government

69. The position of the territorial Government regarding the future status of the Turks and Caicos Islands is discussed in chapter II above in connection with the constitutional modernization review exercise.

B. Position of the administering Power

70. In a statement made on 11 October 2007 before the Special Political and Decolonization Committee (Fourth Committee) during the sixty-second session of the General Assembly, the representative of the United Kingdom said, inter alia, that "her Government, as administering Power for ten Non-Self-Governing Territories, gave every help and encouragement to those Territories which wished to proceed to independence, where that was an option. Her Government and its overseas territories continued to work towards the shared goals of security, stability and sustainable political and economic development, democracy, good governance and the rule of law. ... Her Government carefully considered all proposals for constitutional change received from the Territories".[72]

71. As previously reported,[73] in a statement made on 24 April 2006, while visiting the Turks and Caicos Islands, the United Kingdom Overseas Territories Minister took stock of the relationship between the United Kingdom and the Overseas Territories seven years on from the 1999 White Paper entitled "Partnership for Progress and Prosperity: Britain and the Overseas Territories".[5] An elaboration of the United Kingdom's position on alternative forms of relationship, as set out in General Assembly resolution 1541 (XV), has been previously provided.[74]

C. Action by the General Assembly

72. On 17 December 2007, the General Assembly adopted resolutions 62/118 A and B without a vote, based on the report of the Special Committee transmitted to the General Assembly (A/62/23) and its subsequent consideration by the Special Political and Decolonization Committee (A/62/412). Section X of resolution 62/118 B concerns the Turks and Caicos Islands. Under that section's operative paragraphs, the General Assembly:

1. *Welcomes* the new Constitution of the Territory, which took effect in August 2006, and notes the emphasis placed by the re-elected territorial Government on economic development and modernization;

2. *Also welcomes* the ongoing efforts made by the Government addressing the need for attention to be paid to the enhancement of social cohesion across the Territory.

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[72] See A/C.4/62/SR.5.

[73] See A/AC.109/2007/3.

[74] A/AC.109/2007/3.

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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Falkland Islands (Malvinas)*

Working paper prepared by the Secretariat

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* A dispute exists between the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland concerning sovereignty over the Falkland Islands (Malvinas) (see ST/CS/SER.A/42).

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I. General

1. The Falkland Islands (Malvinas) is a Non-Self-Governing Territory administered by the United Kingdom of Great Britain and Northern Ireland, which comprises two large islands, known as East and West Falkland as well as some 200 smaller islands, and has a total area of about 12,173 square km. The Falkland Islands (Malvinas) are situated in the South Atlantic, about 770 km north-east of Cape Horn and about 480 km east of the South American mainland. South Georgia, located about 1,300 km south-east of the Falkland Islands (Malvinas) group, and the South Sandwich Islands, located about 750 km east-south-east of South Georgia, are administered from the Falkland Islands (Malvinas) as a separate territory; the Governor of the Falkland Islands (Malvinas) acts concurrently as Commissioner for South Georgia and the South Sandwich Islands. According to the latest census (2006), the population of the Territory was 2,478 (not including residents temporarily absent and civilians working in conjunction with the Ministry of Defence), up from 2,391 in 2001, representing the largest population since 1931.[1]

II. Constitutional and political developments

2. On 17 November 2005, the last general elections were held for all eight members of the Legislative Council, five from the Stanley constituency and three from the Camp (i.e., outside Stanley), for a four-year term. The current Governor, Alan Huckle, took up his appointment in August 2006. The Legislative Council meets regularly to pass legislation for "the peace, order and good government of the Falkland Islands" (Malvinas). According to the administering Power, legislative councillors elect a Speaker to chair the Legislative Council. They appoint a Chief Executive as head of the civil service to implement policy. Each councillor takes responsibility for a particular portfolio and works closely with the relevant departments. They do not currently have ministerial responsibility, although this is under active consideration as part of the current constitutional review. Questions of policy are considered by the Executive Council, which consists of three members of the Legislative Council who are elected annually from their own number, in addition to two ex officio members who have no voting rights. The Attorney General and the Commander of British Forces on the islands also have the right to attend meetings of the Executive Council but do not vote. The Governor normally presides at meetings of the Executive Council and is, for the most part, obliged to consult the Executive Council in respect of his functions. However, he retains responsibility for foreign policy and defence. The Territory is currently undertaking the final rounds of a constitutional review.[1] Detailed information on the 1985 Constitution and Government of the Falkland Islands (Malvinas) is contained in the 2001 working paper prepared by the Secretariat (A/AC.109/2001/11).

3. Regarding the reform process of the Constitution of the Falkland Islands (Malvinas), according to information provided by Argentina, the Argentine Government stressed its rejection in the statement transmitted to the Secretary-

Note: The information contained in this working paper has been derived from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations as well as information provided by the Government of Argentina and that available in published sources.

[1] Information provided by the administering Power, 9 January 2008.

General by its Permanent Representative on 18 February 1985, to the effect that "the terms of this reform imply a total disregard of United Nations General Assembly resolutions 37/9, 38/12 and 39/6 and, in particular, of the spirit of resolution 31/49, which called upon the parties to refrain from taking decisions that would unilaterally modify the current situation" (A/40/132).

4. According to information provided by Argentina, on 10 June 2007 the Government of Argentina issued a press release in connection with the observance of the "Day of Affirmation of Argentine Rights over the Malvinas Islands and the Antarctic Sector", which concluded as follows:

> "On this important date, the Argentine Government reiterates its unwavering sovereignty claim over the Malvinas Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas. At the same time, it finds the United Kingdom's unwillingness to resume negotiations inexplicable and reaffirms its permanent willingness to resume such negotiations with a view to settling as soon as possible and in a just and conclusive manner the still unresolved sovereignty dispute."

5. In an annex to a letter dated 21 December 2007 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General (A/62/625, annex I), Argentina conveyed that it had informed the institutions and member States of the European Union on 13 December 2007 of its rejection of "the attempt to include those parts of the Argentine national territory in the list of territories to which the 'Association of the overseas countries and territories' regime provided for in the Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community signed on 13 December 2007 applies". According to the administering Power, a note related to that issue was drawn up by the European Union Presidency in connection with the communiqué of the Southern Common Market (MERCOSUR) Summit of 18 December 2007, putting forward the European Union's position on the applicability of the Treaty of Lisbon. That note reiterated that "the Treaty of Lisbon, signed on 13 December 2007, does not affect the status of the Falkland Islands, South Georgia, South Sandwich Islands and the British Antarctic Territory as associated territories".

6. In a letter dated 3 January 2008 from the Chargé d'affaires a.i. of the Permanent Mission of Argentina to the United Nations addressed to the Secretary-General (A/62/639), the Government of Argentina transmitted the text of a press release "on the occasion of the latest anniversary of the illegal occupation of the Malvinas Islands by the United Kingdom" in 1833, that stated inter alia the following:

> The Argentine Government reiterates the need to comply with the numerous resolutions of the United Nations and declarations of the Organization of American States, among many other forums, calling on the Governments of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland to resume bilateral negotiations in order to find a peaceful, just and lasting solution to the sovereignty dispute as soon as possible.

7. In a letter dated 16 January 2008 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations

addressed to the Secretary-General (A/62/660), the Permanent Representative referred to Argentina's letter dated 3 January 2008, transmitting the text of the aforementioned press release of that same date, and stated the following:

> The Government of the United Kingdom of Great Britain and Northern Ireland has no doubt about the sovereignty of the United Kingdom over the Falkland Islands, South Georgia and the South Sandwich Islands and their surrounding maritime areas, and rejects the claims by the Government of Argentina to sovereignty over those islands and maritime areas and that the Falkland Islands are under illegal occupation by the United Kingdom.
>
> The principle of self-determination, enshrined in the Charter of the United Nations, underlies our position on the sovereignty of the Falkland Islands. There can be no negotiation on the sovereignty of the Falkland Islands unless and until such time as the Falkland Islanders so wish. The Islanders regularly make it clear that they wish the Falkland Islands to remain under British sovereignty.
>
> The United Kingdom continues to believe that there are many opportunities for cooperation in the South Atlantic under the 'Sovereignty Umbrella' established in the United Kingdom-Argentina Joint Statement of 19 October 1989, which would be of mutual benefit. The United Kingdom has made a number of recent proposals in this respect and remains keen to foster a constructive relationship with Argentina and to promote practical cooperation in the South Atlantic.

III. Mine clearance

8. On 11 October 2001, the Governments of Argentina and the United Kingdom concluded an agreement, covered by the formula on sovereignty, regarding a feasibility study of the clearance of landmines in the Falkland Islands (Malvinas), to fulfil the obligations undertaken by both countries in the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer or Anti-Personnel Mines and on Their Destruction of 1997, known as the Ottawa Convention.

9. On 3 August 2006, another agreement covered by the formula on sovereignty was concluded, in addition to that of 11 October 2001. It established the inclusion of unexploded ordnance inside the mined area within the scope of the 2001 exchange of notes and a procedure to contract a private company to undertake some specific works foreseen in the main study phase, including a field survey in the Falkland Islands (Malvinas).

10. Following the completion of the field survey by Cranfield University under arrangements previously addressed in the 2007 working paper (A/AC.109/2007/13), the University submitted a draft report to the United Kingdom-Argentina Joint Working Party. At the thirteenth to seventeenth meetings of the Joint Working Party, held during 2007 in either Buenos Aires or London, the draft text of the feasibility study and its annexes was agreed and adopted. Moreover, the common information to be released to the States Parties to the Ottawa Convention was finalized. The feasibility study was submitted for the approval of both Governments, which was confirmed with an exchange of notes in Buenos Aires on 5 October 2007. This concluded the work of the Joint Working Party as outlined in the 2001 agreement.

11. At the eighth Meeting of States Parties to the Ottawa Convention, held in Jordan in November 2007, both Argentina and the United Kingdom made national statements announcing the completion of the joint Argentina-United Kingdom feasibility study on the clearance of landmines in the Falkland Islands (Malvinas), while a joint presentation made by the United Kingdom and Argentina delegations outlined the key findings of the report. The report concluded that clearance was possible but would present significant technical challenges and risks, including those related to a possible environmental impact. Options for clearance as presented in the feasibility study are being considered.[2]

IV. Economic conditions

A. General

12. According to the administering Power, the gross domestic product of the Falkland Islands (Malvinas) is estimated to be about 75 million British pounds (£) annually. Increasing revenue from corporation tax indicates a buoyant and growing private sector. The fishing industry remains the most important sector of the economy and the tourism sector is seeing rapid growth. In addition, since its formation in 1984, the Falkland Islands Development Corporation has been encouraging the development of a private sector.

13. The results of the latest census, taken on 8 October 2006, revealed that the average Falkland (Malvinas) Islander lives in the only town, Stanley, works an average of 49 hours per week and is paid from £12,000 to £14,000 per year.[1]

14. As reflected in the official record of the meeting of the Special Committee, held on 21 June 2007 (A/AC.109/2007/SR.8), the Minister for Foreign Affairs, International Trade and Worship of Argentina, Jorge E. Taiana, recalled that in July 2000, the South-West Atlantic Hydrocarbons Commission had held its last meeting owing to diverging interpretations of the scope of the understanding between the two countries. The Foreign Minister further stated that the United Kingdom continued to carry out unilateral acts contrary to the 1995 Joint Declaration on Cooperation over Offshore Activities in the South-West Atlantic. The Argentine Government had intended to convey to the Government of the United Kingdom its conclusions on that matter at a diplomatic meeting proposed by Argentina, but the United Kingdom had refused to attend. Consequently, on 27 March 2007, the Government of Argentina announced its decision to withdraw from the Declaration.

15. Continuing, the Foreign Minister said that on 17 April 2007, the Heads of State present at the First South American Energy Summit urged the two countries to renew negotiations, who hoped that a new agreement could be concluded regarding the exchange of goods and services between the Argentine mainland and the islands under the sovereignty formula, and that confidence-building measures could be taken with respect to military matters.

16. Additional information is contained in a letter dated 28 March 2007 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General (A/61/827), transmitting a note addressed by Foreign Minister

[2] Information provided by the administering Power, 9 January 2008; www.apminebanconvention.org/meetings-of-the-states-parties/8msp.

Taiana of Argentina to the United Kingdom Foreign Secretary, Margaret Beckett, on 27 March 2007, regarding the Joint Declaration on Cooperation over Offshore Activities in the South-West Atlantic. Also related to that subject is a note verbale dated 16 October 2007 from the Permanent Mission of Argentina to the United Nations addressed to the Secretary-General (A/62/494). It enclosed the text of a note dated 11 October 2007 transmitted by the Argentinean Embassy of the Argentine Republic in the United Kingdom to the Latin America team of the Foreign and Commonwealth Office, regarding licences for activities related to the exploration for and exploitation of hydrocarbons.

17. In a letter dated 5 December 2007 from the Permanent Representative of the United Kingdom to the United Nations addressed to the Secretary-General (A/62/571), the Permanent Representative referred to Argentina's note verbale dated 16 October 2007 (A/62/494) and stated inter alia the following:

> The Government of the United Kingdom has no doubts about the sovereignty of the United Kingdom over the Falkland Islands, South Georgia and South Sandwich Islands and their surrounding maritime areas, and rejects the claim by the Government of Argentina to sovereignty over those islands and areas and that the Falkland Islands are under illegal occupation by the United Kingdom.

B. Public finance

18. The Territory's financial year runs from 1 July to 30 June. According to the administering Power, the Territory maintains a balanced budget. For 2007-2008, the revised estimate for total revenue was £50 million, of which £16 million was estimated to come from fisheries, £10.7 million from investment income, £8.5 million from taxation and £4.9 million from public works. During the same period, the revised estimate for expenditure was £41 million.[1]

C. Fisheries

19. Loligo and Illex squid are the mainstay of the fisheries and economy of the Territory, as previously reported (see A/AC.109/2007/13). In addition to those two squid species, a number of finfish are targeted, including southern blue whiting, hake and hoki. The Fisheries Department is responsible for administering the fishery. Following the enactment of the Fisheries (Conservation and Management) Ordinance in 2005, the Territory began implementation of the new licensing regime, which introduced a system of long-term individual transferable rights owned by the islanders. The new regime gives greater control over the fishery resources of the Territory to local residents and businesses, which will promote higher standards of conservation. According to information provided by Argentina, on 1 July 2006 the Government of Argentina issued a communiqué reaffirming its earlier rejection of the unlawful adoption by the United Kingdom of a new fisheries policy. According to the administering Power, on 14 June 2005 the United Kingdom rejected Argentina's protest. More information on the subject is contained in the 2007 working paper prepared by the Secretariat (ibid.).

20. On 6 and 7 September 2006 in London, and on 14 and 15 March 2007 in Buenos Aires, two special diplomatic meetings took place between Argentina and

the United Kingdom with the objective of analysing the mandate of the Commission on Fishing in the South Atlantic. The Commission was created following the Joint Declaration of 28 November 1990. More information on the subject is contained in the 2007 working paper prepared by the Secretariat (ibid.).

21. At the meeting of the Special Committee held on 21 June 2007, Foreign Minister Taiana of Argentina stated, as reflected in the official meeting record (see A/AC.109/2007/SR.8), that the United Kingdom had taken a number of unilateral measures in the illegally occupied maritime areas that had a long-term impact on fishery resources, in violation of the Joint Declaration of 28 November 1990, of General Assembly resolutions and of the Convention on the Conservation of Antarctic Marine Living Resources. According to Foreign Minister Taiana, those included attempts to require vessels flying the flags of third States to purchase fishing licences and to impose other similarly illegal requirements. The Foreign Minister went on to say that those measures had forced Argentina to lodge protests with the Organization of American States (OAS) and the relevant United Nations bodies and to consider whether to continue its membership in the South Atlantic Fisheries Commission. Meetings of that Commission had in any case been suspended and, despite two diplomatic meetings, no agreement to resume had been reached.

D. Agriculture, land tenure and livestock

22. According to the administering Power, the most significant change in agriculture in recent years has been the development of the meat industry. Farming is adjusting to produce a dual-purpose sheep that will maximize return from both meat and wool. The Territory has an ongoing 10-year plan to support agriculture, although spending under the plan has decreased every year since 2004. Pasture and genetic improvement programmes lie at the heart of the Government strategy. The amount of farmland in use has declined, with some landowners moving out of stock management either completely or partially when able to earn income from other sources.[1]

E. Tourism

23. There has been a significant expansion in the Falkland Islands (Malvinas) tourism sector in recent years, with an average growth rate in visitor arrivals of 21 per cent between the 2000-2001 and 2007-2008 seasons. According to the administering Power, there were 52,000 cruise ship visitors in the 2006-2007 season, compared to 45,000 in the 2005-2006 season. Over 80,000 cruise ship visitors and 1,000 land-based tourists are anticipated to visit the Falkland Islands (Malvinas) in the 2007-2008 season, and the Tourist Board predicts that annual tourist arrivals will exceed 100,000 over the next few seasons if strong growth continues.[1]

F. Transport, communications and other basic facilities

24. According to the administering Power, the Territory is nearing the end of an extensive road-building programme, which has involved the construction of a road

network to connect outlying settlements and farms. In addition, there is a coastal shipping service to the community outside Stanley, supplying fuel and stores to settlements on the east, west and outlying islands, as well as a regular ferry service between the two main islands, carrying both passengers and freight.[1]

25. During the period under review, the LanChile airline continued to provide a regular service between Punta Arenas, Chile and the Falkland Islands (Malvinas), including two monthly stopovers in Río Gallegos, mainland Argentina, one in each direction, in accordance with the provisions of the Joint Statement of 14 July 1999 between Argentina and the United Kingdom.[3] That service is carried out in the framework of commercial air agreements between Argentina and Chile. The Exchange of Notes Agreement of 23 February 2001 between Argentina and the United Kingdom placed private navigation and private aerial navigation between mainland Argentina and the Falkland Islands (Malvinas) under a formula of sovereignty. Thus, Argentina considers and authorizes non-regular flights to the Falklands (Malvinas) on a case-by-case basis. Since 3 November 2003, Argentina has not authorized non-regular flights between third countries and the Falkland Islands (Malvinas) by any company flying under the flag of a third country. That position does not affect the continuation of the above-mentioned regular service and does not apply to emergency situations or health evacuation flights.[1]

26. Late in 2003 and in the first quarter of 2004, Argentina and the United Kingdom exchanged views on the Argentine proposal aimed at the establishment of a direct regular air service between mainland Argentina and the Falkland Islands (Malvinas) operated by Argentine air companies. The United Kingdom stated that any arrangements would need to be acceptable to the islanders. No agreement between Argentina and the United Kingdom has been reached to date.[1]

27. At the Special Committee meeting held on 21 June 2007 (see A/AC.109/2007/SR.8), Argentine Foreign Minister Taiana stated that Argentina had proposed to the United Kingdom, in November 2003, to establish regular flights between the islands and the Argentine mainland, operated by Argentine airline companies. The Foreign Minister further stated that Argentina continued to await a satisfactory response to its proposal, which would doubtless open up new and constructive prospects for both sides.

28. Communications, both internally and with the outside world, have improved dramatically over the past several years. According to the latest census in 2006, Internet access is available to 740 of the 1,093 computers on the islands and there are 1,068 mobile and 1,428 fixed-line telephones. More information on transport, communications and other basic facilities is contained in the 2001 working paper prepared by the Secretariat (A/AC.109/2001/11).

G. Environment

29. According to the administering Power, the Territory agreed to join the United Kingdom's ratification of the United Nations Framework Convention on Climate Change and the Kyoto Protocol in April 2006. As the second British Overseas Territory to join the United Kingdom's commitment to the Convention and the Protocol, this represents a willingness to promote environmental concerns.

[3] United Kingdom/Argentina Joint Statement, 14 July 1999, www.fco.gov.uk.

30. In the context of the Conference of the Parties to the United Nations Framework Convention on Climate Change, held at Bali, Indonesia, from 3 to 14 December 2007, Argentina transmitted a note to the Secretary of the Convention. According to information provided by Argentina, the note stated inter alia that "the National Report of the Argentine Republic does not include the greenhouse gas emissions of the Malvinas, South Georgias and South Sandwich Islands", which were "the object of a sovereignty dispute expressly recognized by the General Assembly and the Special Committee on decolonization of the United Nations, as well as other international organizations." Further, according to Argentina, this implied an obligation not to take any action that could distort the nature of the dispute, as well as to abstain from taking unilateral actions in contradiction of decisions taken by the United Nations.[4]

31. In the Territory itself, a waste heat recovery programme is being implemented by the power station, to use otherwise wasted electricity to heat the local hospital and community school. The waste heat recovery infrastructure went online in February 2007. The Territory's first major wind farm became operational in 2007 and has been providing 25 per cent of Stanley's electricity. By November 2007, over 300,000 units of electricity had been generated by the turbines. On a smaller scale, wind turbines provide power to homesteads and small settlements throughout the islands. The Falkland Islands Development Corporation offers a 50 per cent grant for wind turbine costs to farmers. Moreover, building control guidelines are being developed by the Territory's environmental Planning Department to promote the building of more energy-efficient housing.[1]

32. The Second Meeting of the Parties to the Agreement on the Conservation of Albatrosses and Petrels (ACAP) was held in Christchurch, New Zealand, from 13 to 17 November 2006 (additional information is contained in the 2007 working paper (A/AC.109/2007/13)). Nine parties were represented, including Argentina and the United Kingdom. The Meeting launched a three-year workplan to secure the seabirds' future.[5]

33. The achievements under the workplan, published as the "Albatross and Petrels in the South Atlantic: Conservation Priorities" was reviewed by an ACAP steering group in October 2007. The Territory had made progress on all high priority tasks. For the period after 2008 five priority areas were identified.[1]

34. Meanwhile, according to the administering Power, the Falkland Islands (Malvinas) works to uphold a number of other environmental treaties, including the Convention on International Trade in Endangered Species of Wild Fauna and Flora, the Convention on the Conservation of Migratory Species of Wild Animals, and the Ramsar Convention on Wetlands.[1]

35. According to information provided by Argentina, the Argentine Republic has rejected the territorial application effected by the United Kingdom of the Convention on Climate Change and the Kyoto Protocol, the international Agreement on the Conservation of Albatrosses and Petrels, the Convention on International Trade in Endangered Species of Wild Fauna and Flora, the Convention on the Conservation of Migratory Species of Wild Animals, and the Ramsar Convention on Wetlands, on the grounds that the Falkland Islands (Malvinas), South Georgia and

[4] See also http://unfccc.int/resource/docs/natc/argnc2s.pdf, Executive Summary, ARG/COM/3 E.

[5] See www.acap.aq.

the South Sandwich Islands along with the surrounding maritime areas were an integral part of the territory of Argentina.[6]

V. Social conditions

A. General

36. According to the administering Power, the Territory observes the principles contained in the Universal Declaration of Human Rights. The provisions of the European Convention for the Protection of Human Rights and Fundamental Freedoms have been extended to the Falkland Islands (Malvinas) by the administering Power. Furthermore, the United Kingdom has extended the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights to the Territory and observes the regular reporting procedures under those instruments. There is no discrimination on the basis of sex in the implementation of articles 2 and 3 of the International Covenant on Civil and Political Rights. The Convention on the Elimination of All Forms of Discrimination against Women, including its Optional Protocol, and the United Nations Convention on the Rights of the Child have been applied by the United Kingdom in the Falkland Islands (Malvinas).

37. As previously reported, Argentina has consistently rejected the territorial application by the United Kingdom of these various instruments, as well as the designation of the Territory as Overseas Dependent Territories of the United Kingdom or any other similar designation. More information on the subject is contained in the 2007 working paper prepared by the Secretariat (A/AC.109/2007/13).

B. Public health

38. According to the administering Power, the general state of health in the Falkland Islands (Malvinas) is good. Medical and dental treatment and prescription drugs are free to all residents and to United Kingdom citizens under a reciprocal health agreement. All medical services are based at the King Edward VII Memorial Hospital in Stanley, which provides a full range of primary-care services to the civilian population, military personnel stationed in Stanley and foreign fishing fleets around the islands. In addition, there is a visiting medical service to outlying farm settlements. The Hospital has facilities to deal with acute medical and surgical conditions. It has 28 beds, including two maternity and two intensive care beds. Cases requiring specialist attention are first stabilized and then evacuated to the United Kingdom or Chile or, in emergencies, to Montevideo.

C. Social security and welfare

39. According to the administering Power, the Falkland Islands Retirement Pensions Ordinance provides for mandatory fixed monthly contributions by all

[6] See A/AC.109/2007/13; United Nations Framework Convention on Climate Change document FCCC/SBI/2007/MISC.5.

employers and employees between the ages of 17 and 64. Implementation of the Falkland Islands Pension Scheme Ordinance 1997 commenced in 1998. That scheme provides a national defined contribution vehicle through which employers, self-employed individuals and other individuals within the Falkland Islands (Malvinas) can make contributions, under employer-employee agreements or voluntarily, during their working lives and receive a pension upon retirement. A system of social welfare grants and pensions is in place to deal with cases of hardship and disability.

D. Education

40. Education in the Falkland Islands (Malvinas) is free and compulsory for all children between the ages of 5 and 16, with access to pre-school (nursery) education from the age of four. The local Government provides staff, equipment and supplies for education, has a primary and a secondary school in Stanley and operates two settlement schools. In the rural areas, younger children either attend the settlement schools or are visited by one of six travelling teachers for two weeks out of every six. There are also telephone lessons available. Students above the age of 16 who qualify in examinations are funded for studies overseas, mostly in the United Kingdom.

41. According to the administering Power, in 2006-2007 there were 399 schoolchildren being educated in the Falkland Islands (Malvinas), while continuing education past 18 years of age was being provided locally through the Training Unit of the Education Service, involving 28 students. Meanwhile, 51 further and higher education pupils were being educated overseas.[1] According to information provided by Argentina, the inhabitants of the Falkland Islands (Malvinas) are entitled to have access to the Argentine public education system.

VI. Participation in international organizations and arrangements

42. The Government of the Falkland Islands (Malvinas) participates in activities of the Commonwealth and is a member of the United Kingdom Overseas Territories Association. Representatives of the Government have participated, as members of the United Kingdom delegation, in discussions on various matters affecting their interests.

43. In its letter of 14 November 2005 to the Secretary-General, the Government of Argentina rejected the declaration made by the United Kingdom extending the territorial scope of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction to the Falkland Islands (Malvinas). In a letter dated 27 April 2006 to the Secretary-General, the Permanent Representative of the United Kingdom to the United Nations rejected that position. More information on the subject is contained in the 2007 working paper prepared by the Secretariat (ibid.).

44. Under the United Nations Convention on the Law of the Sea, claims for an extended continental shelf are to be submitted to the Commission on the Limits of the Continental Shelf by May 2009. According to the United Kingdom, it is researching its submission to the Commission in respect of the continental shelf

around the Falkland Islands (Malvinas) and South Georgia. Plans for that submission have not been finalized. In June 2007, the United Kingdom proposed to meet with Argentina on the matter.[1]

45. In that connection, on 25 September 2007, the President of Argentina, Néstor Kirchner, in his address to the General Assembly (A/62/PV.5) stated that his "Government vigorously rejects the British claim on the establishment of maritime areas" surrounding the Falkland Islands (Malvinas), South Georgia and the South Sandwich Islands. The President indicated that Argentina rejected in particular the United Kingdom's stated intention to make such a submission to the Commission on the Limits of the Continental Shelf.

VII. Consideration by intergovernmental organizations and forums

46. On 5 June 2007, the General Assembly of OAS adopted a Declaration on the Question of the Malvinas Islands (Falkland Islands) (see A/61/986, annex), in which, inter alia, it welcomed the reaffirmation of the will of the Argentine Government to continue exploring all possible avenues towards a peaceful settlement of the dispute and its constructive approach towards the inhabitants of the Malvinas Islands (Falkland Islands). It reaffirmed the need for the Government of Argentina and the United Kingdom to resume, as soon as possible, negotiations on the sovereignty dispute, in order to find a peaceful solution to that protracted controversy. The General Assembly of OAS decided to continue to examine the question of the Malvinas Islands (Falkland Islands) at its subsequent sessions, until a definitive settlement had been reached thereon.

47. According to information provided by Argentina, on that occasion, Foreign Minister Taiana referred to:

> The question of the Malvinas Islands, a special and particular case of decolonization which this organization has described as a matter of enduring hemispheric concern and is keeping under consideration until a definitive settlement has been reached, while reaffirming the need for the Governments of the Argentine Republic and the United Kingdom to resume, as soon as possible, negotiations on the sovereignty dispute, in order to find a peaceful solution to this controversy.[7]

48. The position of the United Kingdom with regard to the consideration of the question of the Falkland Islands (Malvinas) by OAS was stated in a note verbale dated 5 June 2007 from the Permanent Observer of the United Kingdom to OAS to the Chair of the General Assembly of OAS (see A/61/1024, annex). Referring to the aforementioned Declaration on the Question of the Falkland Islands (Malvinas) adopted by the General Assembly of OAS, the Permanent Observer inter alia stated that:

> The United Kingdom's position was last set out in detail by the United Kingdom's Permanent Representative to the United Nations, Sir Emyr Jones Parry, in a written right of reply dated 4 October 2006 (A/61/535) to the statement by President Néstor Carlos Kirchner of the Argentine Republic in

[7] www.oas.org/speeches.

the United Nations General Assembly on 20 September 2006. That remains the United Kingdom's position. The United Kingdom has no doubts about its sovereignty over the Falkland Islands, South Georgia and the South Sandwich Islands and their surrounding maritime areas.[1]

49. The Heads of State and Government of the Iberoamerican countries, meeting in Santiago from 8 to 10 November 2007, issued a special communiqué on the question of the Falkland Islands (Malvinas) in which they reaffirmed "the need for the Governments of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland to renew negotiations as soon as possible with a view to finding an early resolution to the sovereignty dispute relating to the Malvinas Islands in accordance with the resolutions of the United Nations and the Organization of American States and the purposes and principles of the Charter of the United Nations, including the principle of territorial integrity".[8]

50. According to information provided by Argentina, the Joint Declaration of the Presidents of the States Parties of MERCOSUR and Associated States, dated 18 December 2007, XXXIV Meeting of the Council of the Common Market, held in Montevideo, renewed their commitment to the Declaration of 25 June 1996 and, with regard to the Falkland Islands (Malvinas) reaffirmed their support for the legitimate rights of the Argentine Republic with regard to the sovereignty dispute. Moreover, the Presidents emphasized that the adoption of unilateral measures was incompatible with the relevant United Nations resolutions and recalled that there was a regional interest in reaching a solution as soon as possible.

51. Furthermore, according to information provided by Argentina, the Ministers for Foreign Affairs of the South American and Arab Countries, meeting in Buenos Aires on 20 and 21 February 2008, to review progress achieved in various fields of cooperation between the two regions since the convening of the Brasilia Summit in May 2005, called upon Argentina and the United Kingdom in regard to the Falkland Islands (Malvinas) to resume negotiations in order to find, as soon as possible, a fair, peaceful and lasting solution to the sovereignty dispute, in accordance with the relevant United Nations resolutions. They further stated that "the inclusion of the Malvinas, South Georgias and South Sandwich Islands as territories associated to Europe under Annex II to Title IV, 'Association of Overseas Countries and Territories', of Part III of the Treaty amending the Treaty on European Union and the Treaty Establishing the European Community is not in accordance with the fact that a sovereignty dispute over such islands exists."

VIII. Future status of the Territory

A. Position of the administering Power

52. By a letter dated 1 October 2007 addressed to the President of the General Assembly (A/62/469), the Permanent Representative of the United Kingdom stated the position of his Government in exercise of the right of reply to the remarks of the President of Argentina in his address to the General Assembly on 25 September 2007 as follows:

[8] See XVII Cumbre Iberoamericana, www.oei.es/cumbres.htm.

The British Government attaches great importance to the principle of self-determination as set out in Article 1.2 of the Charter of the United Nations and article 1 of the International Covenant on Civil and Political Rights. That principle underlies our position on the Falkland Islands.

The elected representatives of the Falkland Islands once again expressed their own views clearly when they visited the United Nations for this year's debate in the Committee of 24. They asked the Committee to recognize that they, like any other people, were entitled to exercise the right of self-determination. They reiterated that the people of the Falkland Islands did not wish for any change in the status of the Islands.

There can be no negotiations on the sovereignty of the Falkland Islands unless and until such time as the islanders so wish.

The United Kingdom has no doubts about its sovereignty over the Falkland Islands.

53. In his Christmas message to the Territory in December 2007, the Prime Minister of the United Kingdom, Gordon Brown, restated the commitment of the United Kingdom to the islanders and their right of self-determination, against the backdrop of the twenty-fifth anniversary of the conflict over the Falkland Islands (Malvinas):

> As this anniversary year draws to a close I would like to restate my Government's commitment to protecting the Falkland Islanders' right to self-determination. I have no doubts about the United Kingdom's sovereignty over the Falkland Islands and undertake to uphold your security and everything you have worked so hard to achieve over the past 25 years.[1]

B. Position of the Government of Argentina

54. As reflected in the official record of the meeting of the General Assembly, on 25 September 2007 (A/62/PV.5), the President of Argentina, Néstor Kirchner, in his address to the General Assembly, inter alia flagged the continuing importance to Argentina of the question of the Falkland Islands (Malvinas), including South Georgia and the South Sandwich Islands, as well as the maritime areas surrounding those islands:

> This year, 174 years will have passed since the British began to occupy this part of Argentine national territory. Ever since that act of force in 1833, my country has protested against this illegal occupation and has demanded that the full exercise of its sovereignty be restored.
>
> We would also mention that 2007 marks the twenty-fifth anniversary of the 1982 conflict in the South Atlantic, a conflict unleashed by the military dictatorship without the backing of the Argentine people, who had always endeavoured to find a peaceful solution to its legitimate sovereignty claim.
>
> The General Assembly has dealt with this matter on many occasions, both prior to and since 1982. Starting in 1965, when the Assembly adopted resolution 2065 (XX), the Organization has recognized, year after year, the existence of a sovereignty dispute between Argentina and the United Kingdom relating to the question of the Malvinas Islands. It urged the two Governments

to negotiate, as soon as possible, a peaceful, just and lasting solution to the dispute, taking into account the relevant resolutions of United Nations bodies and the interests of the people of the islands. The ongoing and unrenounceable objective of regaining the full exercise of Argentine sovereignty over this part of our territory and the permanent readiness of my country to resume negotiations aimed at finding a solution to the dispute have been reflected in our national Constitution.

It is incomprehensible to us that the United Kingdom should be unwilling to negotiate this matter, thereby violating the provisions of General Assembly resolution 2065 (XX) and numerous similar resolutions.

55. According to information provided by Argentina, in her inaugural speech to the Legislative Assembly on 10 December 2007 the recently elected President of Argentina, Cristina Fernández de Kirchner, stated that "I also wish to reaffirm, once again, our irrevocable and undeniable claim of sovereignty over our Malvinas Islands. We call upon the occupying country, which in all international forums appears to be advanced and law-abiding, to acknowledge that this is a colonial enclave that has been denounced at the United Nations and that it is time to comply once again with the mandate of the United Nations, of which all of us are members."[9]

IX. Consideration by the United Nations

A. Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

56. The Special Committee considered the question of the Falkland Islands (Malvinas) at its 8th meeting, on 21 June 2007 (see A/AC.109/2007/SR.8). At that meeting, the Special Committee decided to accede to the request of Argentina, Brazil, Paraguay, Peru and Uruguay to participate in the consideration of the item.

57. At the same meeting, statements by Ian Hansen and Richard Davies, from the Legislative Council of the Falkland Islands (Malvinas) were heard. James Douglas Lewis and Marcelo Vernet also made statements (ibid.).

58. The representative of Chile, on behalf of Bolivia, Chile, Cuba and the Bolivarian Republic of Venezuela introduced draft resolution A/AC.109/2007/L.8. The draft resolution reiterated that the way to put an end to the special and particular colonial situation in the question of the Falkland Islands (Malvinas) was the peaceful and negotiated settlement of the dispute over sovereignty between the Governments of Argentina and the United Kingdom. It requested both parties to consolidate the current process of dialogue and cooperation through the resumption of negotiations in order to find a solution, in accordance with the provisions of the relevant General Assembly resolutions.

59. At the same meeting, the Foreign Minister of Argentina, Jorge Taiana, as reflected in the summary record of that meeting (ibid.), stated, inter alia that the General Assembly and the Special Committee considered the question of the

[9] www.casarosada.gov.ar.

Malvinas Islands (Falkland Islands) to be different from traditional colonial disputes in that it involved a sovereignty dispute. He recalled that General Assembly resolution 2065 (XX) had recognized the justice of his Government's claim by establishing that it constituted a colonial issue that involved the existence of a sovereignty dispute between Argentina and the United Kingdom as sole parties. The Foreign Minister concluded that, by accepting the existence of the dispute and urging both parties to negotiate, the resolution excluded application of the principle of self-determination as a means of dispute settlement. To grant self-determination to the British inhabitants, whose ancestors had been transplanted from the United Kingdom after the usurpation, would imply acceptance of a violation of Argentina's territorial integrity, according to the Foreign Minister. The Foreign Minister reiterated the willingness of the Government of Argentina to cooperate with the United Kingdom on practical matters arising from the de facto situation in the South Atlantic, provided that that cooperation helped create conditions favourable to the resumption of sovereignty negotiations in accordance with the resolutions of the United Nations and other international bodies. However, despite the re-establishment of bilateral relations with the United Kingdom in 1990 and the provisional understandings reached under the sovereignty formula, the United Kingdom had continued to introduce unilateral modifications in the situation, such as the enlargement of the British military base, in violation of those agreements and of General Assembly resolutions, particularly resolution 31/49 of 1 December 1976. Since 2006, his Government had repeatedly invited the United Kingdom to discuss the status of those provisional understandings and, in particular, the existence of a sovereignty dispute and the obligation of both parties to resolve it by resuming bilateral negotiations. Moreover, both States had reaffirmed their commitment to negotiate in their Joint Declaration of 19 October 1989. The Foreign Minister found it unfortunate that "the intransigence of the United Kingdom has thus far prevented frank and open dialogue". The Foreign Minister went on to say the United Kingdom's attitude was in sharp contrast to that of the countries members of the Zone of Peace and Cooperation of the South Atlantic, which had met that week in Luanda, and had stressed the need for Argentina and the United Kingdom to resume negotiations as soon as possible in order to resolve the sovereignty debate.

60. At the same meeting (ibid.), the representatives of Bolivia, Brazil, Chile, China, the Congo, Cuba, Indonesia, Paraguay, Peru, the Russian Federation, Sierra Leone, the Syrian Arab Republic, Tunisia, Uruguay and the Bolivarian Republic of Venezuela also made statements.

B. Special Political and Decolonization Committee (Fourth Committee)

61. On 8 October 2007, during the debate on decolonization issues in the Special Political and Decolonization Committee (Fourth Committee), during the sixty-second session of the General Assembly, several representatives referred to the question of the Falkland Islands (Malvinas). The representative of the Dominican Republic, speaking on behalf of the Rio Group, expressed its support for the Government of the Argentine Republic and felt confident that the Governments of the Argentine Republic and of the United Kingdom would resume negotiations to find a peaceful, just and definitive solution to the sovereignty dispute. The representative of Uruguay, speaking on behalf of MERCOSUR member States and

associated States, called on the parties to respect the will of the international community, as reflected in the relevant resolutions, and to resume negotiations in order to resolve their dispute (see A/C.4/62/SR.2).

62. The representative of the United Kingdom, in exercise of the right of reply, said that the United Kingdom's position on the issue was well known and had been reiterated on 1 October 2007 by the Permanent Representative of the United Kingdom. The United Kingdom had no doubts about its sovereignty over the Falkland Islands (Malvinas). There could be no negotiations on the sovereignty of the Territory unless and until such time as the islanders so wished (ibid.).

C. Action taken by the General Assembly

63. By adopting its resolution 58/316, the General Assembly decided that the item entitled "Question of the Falkland Islands (Malvinas)" would remain on the agenda for consideration upon notification by a Member State. As at the date of the issuance of the present report, there had been no such notification by a Member State to the General Assembly.

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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Western Sahara

Working paper prepared by the Secretariat

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I. Report and good offices of the Secretary-General

1. Pursuant to General Assembly resolution 61/125, the Secretary-General submitted to the Assembly at its sixty-second session a report on the question of Western Sahara (A/62/128). The report covered the period from 1 July 2006 to 30 June 2007 and reviewed the activities carried out by the Secretary-General in the exercise of his good offices.

2. Also during the period under review, the Secretary-General submitted to the Security Council two reports on the situation concerning Western Sahara (S/2007/202 and S/2007/619) pursuant to Security Council resolutions 1720 (2006) and 1754 (2007), as well as two reports on the status and progress of the negotiations on Western Sahara (S/2007/385 and S/2008/45), pursuant to Security Council resolutions 1754 (2007) and 1783 (2007).

3. On 13 April 2007, the Secretary-General submitted to the Security Council the report (S/2007/202) the Council had requested in its resolution 1720 (2006), in which he informed the Council that on 10 April he had received a letter from the Representative of the Frente Polisario in New York, transmitting a "Proposal of the Frente Polisario for a mutually acceptable political solution that provides for the self-determination of the people of Western Sahara"; and that on 11 April, he had met with the Permanent Representative of Morocco to the United Nations, who had given him a letter, dated 10 April 2007, transmitting a document entitled "Moroccan initiative for negotiating an autonomy statute for the Sahara region", containing the initiative by King Mohamed VI of Morocco regarding the autonomy proposal.

4. Reporting on the activities of his Personal Envoy, Peter van Walsum, the Secretary-General said that he had held consultations with the representatives of the two parties, Morocco and the Frente Polisario, as well as with the representatives of the neighbouring countries Algeria and Mauritania. Subsequent to those consultations, the Personal Envoy had informed the Secretary-General that the question remained at an impasse owing to a lack of agreement on how to enable the people of Western Sahara to exercise their right to self-determination. During those consultations, the Personal Envoy of the Secretary-General had underlined, once again, that the negotiations between Morocco and the Frente Polisario, recommended in the report of the Secretary-General of 16 October 2006 (S/2006/817), would have the objective of achieving a just, lasting and mutually acceptable political solution that would provide for the self-determination of the people of Western Sahara.

5. Concluding the report, the Secretary-General reiterated his recommendation that the Security Council call upon the parties, Morocco and the Frente Polisario, to enter into negotiations without preconditions, with a view to achieving a just, lasting and mutually acceptable political solution that would provide for the self-determination of the people of Western Sahara. The neighbouring countries, Algeria and Mauritania, should also be invited to the negotiations and be consulted separately on issues directly affecting them, in accordance with the format that had been observed during the tenure of his previous Personal Envoy, James A. Baker, III.

6. On 30 April 2007, the Security Council, having considered the report of the Secretary-General, adopted resolution 1754 (2007), inter alia, calling upon the parties to enter into negotiations without preconditions in good faith with a view to

achieving a just, lasting and mutually acceptable political solution, which would provide for the self-determination of the people of Western Sahara. The Council requested the Secretary-General to set up those negotiations under his auspices, inviting Member States to lend appropriate assistance to such talks, and requested the Secretary-General to provide a report by 30 June 2007 on the status and progress of the negotiations.

7. On 29 June 2007, the Secretary-General submitted his report (S/2007/385) which the Security Council had requested in its resolution 1754 (2007), and informed the Council that in a letter dated 25 May 2007, he had invited the parties to send delegations to meet with his Personal Envoy at the Greentree Estate in Manhasset, New York, on 18 and 19 June 2007. In similar letters, he had also invited Algeria and Mauritania to attend the Manhasset meeting as neighbouring countries. The Secretary-General further informed the Council that the meeting had taken place as planned. The parties had held separate meetings with his Personal Envoy, as well as two sessions of face-to-face discussions, for the first time since direct talks had been held in London and Berlin, in 2000. Representatives of the neighbouring countries, Algeria and Mauritania, were present at the opening and closing sessions and were consulted separately during the two-day meeting. During the discussions, the parties had reiterated their commitment to the process and had appeared determined not to be the cause of a breakdown of the negotiations. Although they had both confirmed their respect for the principle of self-determination and accepted resolution 1754 (2007) as the mandate for the negotiations, their positions had remained far apart on the definition of self-determination.

8. During the meeting, the parties had agreed to the communiqué of the Secretary-General's Personal Envoy (ibid., annex). It stated, inter alia, that negotiations had started as requested by the Security Council in its resolution 1754 (2007), and that the parties had agreed that the process of negotiations would continue in Manhasset in the second week of August 2007.

9. A second report on the situation concerning Western Sahara dated 19 October 2007 (S/2007/619) was submitted to the Security Council, pursuant to resolution 1754 (2007). In that report the Secretary-General informed the Council that, as planned, the parties had participated in a second meeting at the Greentree Estate on 10 and 11 August 2007. Algeria and Mauritania also attended, as neighbouring countries. Although the parties, in their opening statements, had confirmed their respect for the principle of self-determination and accepted resolution 1754 (2007) as the mandate for the negotiations, their positions remained far apart on the definition of self-determination.

10. The meeting had included an exchange of views with regard to the implementation of Security Council resolution 1754 (2007), presentations by United Nations experts, and discussions on subjects related to natural resources and local administration. The parties also held separate meetings with the Personal Envoy. At the initiative of the Personal Envoy, the parties had been invited to consider a possible expansion of the existing confidence-building measures. In reply to this initiative, the delegation of the Frente Polisario had indicated that it was satisfied with the confidence-building measures currently being implemented and remained open to the formulation of additional measures, subject to internal consultations. The delegation of Morocco had said that the subject of confidence-building

measures was discussed within the framework of the Office of the United Nations High Commissioner for Refugees (UNHCR), which constituted and should remain the appropriate forum for assessing and proposing such measures, and that for the consideration of possible proposals for confidence-building measures that would be beyond the scope of that forum, another appropriate forum should be found.

11. During the meeting, the parties agreed to the communiqué of the Secretary-General's Personal Envoy (ibid, annex I) in which they acknowledged that the current status quo was unacceptable and that they were committed to continuing the negotiations in good faith.

12. Assessing the process, the Secretary-General's Personal Envoy expressed the view that, although the second meeting had again been characterized by a good atmosphere and courteous behaviour, it also manifested the existing rigid positions. Therefore, while the fact that two meetings had taken place was a cause for satisfaction, it could not really be maintained that the parties had entered into negotiations aimed at a mutually acceptable solution. Commenting on the elements of the second meeting that were not directly related to the proposals of the two parties, the Personal Envoy said that, during the discussions on natural resources and local administration, it had been generally realized that those technical issues could not take the place of the substantial negotiations that resolution 1754 (2007) had called for. As for the agenda item relating to confidence-building measures, the Personal Envoy intended to raise the matter again during the next round.

13. The Personal Envoy stated that it was clear that the negotiation process pursuant to resolution 1754 (2007) could not be completely filled with discussions that did not touch on the proposals of the parties. It was also clear that the parties would not start negotiating without some further guidance from the Security Council. The Council could clarify that attendance at each round of the negotiation process was not equivalent to entering into negotiations. Paragraph 2 of resolution 1754 (2007) contained elements that could be separated. A political solution that did justice to all those elements would inevitably be of great complexity and would need to be negotiated with perseverance. To that end, the Secretary-General's Personal Envoy had reminded the parties of the principle that "nothing is agreed until everything is agreed". He was convinced that acceptance of that principle by the parties could be the key to the beginning of genuine negotiations, as it would encourage them to discuss proposals with elements that were unacceptable to them.

14. As for military matters, the Secretary-General informed the Security Council that the overall situation in the area of responsibility remained generally calm. Violations of military agreement No. 1 by both parties remained at approximately the same level as in the previous reporting period. From 1 April to 30 September 2007, the United Nations Mission for the Referendum in Western Sahara (MINURSO) had observed and recorded 11 new violations by the Royal Moroccan Army and 12 new violations by the military forces of the Frente Polisario. In addition, MINURSO continued to observe long-standing violations by both parties; since the start of the Mission's mandate, both parties had imposed restrictions on the freedom of movement of MINURSO military observers. The Secretary-General reported that the abundant presence of mines and unexploded ordnance throughout Western Sahara, including areas where MINURSO military observers and logistical vehicles operate on a daily basis, was a cause for serious concern. Since the beginning of a major mine clearance operation launched by the Royal Moroccan

Army on 15 January 2007, it had reportedly found and destroyed more than 700 pieces of unexploded ordnance and mines. Through its Mine Action Cell, established in January 2006, MINURSO is engaged in mine action coordination through several complementary avenues of cooperation.

15. With regard to humanitarian activities, the Secretary-General stated that efforts of the international community led by UNHCR and the World Food Programme (WFP) on behalf of Western Saharan refugees continued to be conducted in a challenging environment. The food pipeline remained fragile, delays in shipping had caused disruption to food aid delivery, and the absence of secure food stocks since October 2006 continued to be a major concern. In March 2007, the United Nations presence was strengthened by the establishment of a World Health Organization (WHO) office in Tindouf in order to strengthen the efforts to prevent major diseases in the camps.

16. With regard to confidence-building measures, the programme of exchange of family visits between the Territory and the refugee camps in the Tindouf area continued, and UNHCR was assessing with the parties the possibility of organizing visits using land transportation, with the aim of expanding and increasing the number of beneficiaries and the length of the visits, possibly also reducing the transportation costs. The free-of-charge telephone service between the refugee camps in Tindouf and the Territory continued to operate successfully. UNHCR, with support from MINURSO, was completing the installation of a telephone centre in Dakhla camp, overcoming previous budgetary constraints and logistical difficulties attendant on the camp's remote location.

17. In his observations and recommendations, the Secretary-General agreed with his Personal Envoy's assessment that the launch of the process of negotiations was a cause for satisfaction. However, he recommended that the Security Council reiterate its call upon the parties, Morocco and the Frente Polisario, to enter into genuine negotiations, thus ensuring a more substantial implementation of resolution 1754 (2007). He also urged the international community to show its support to the expansion of the confidence-building measures programme.

18. Concluding the report, the Secretary-General thanked the outgoing Force Commander Major General Kurt Mosgaard (Denmark) for his service and welcomed the new Force Commander, Major General Jingmin Zhao (China), who took up his new assignment on 10 September 2007.

19. Pursuant to Security Council resolution 1783 (2007), the Secretary-General submitted to the Council a second report on the status and progress of the negotiations on Western Sahara (S/2008/45), dated 25 January 2008. In letters dated 4 December 2007, he had invited the parties to send delegations to a meeting to be facilitated by his Personal Envoy at the Greentree Estate, from 7 to 9 January 2008. In similar letters, he had invited Algeria and Mauritania to attend the Manhasset meeting as neighbouring countries.

20. At the meeting, which had taken place as planned, the parties held separate meetings with the Personal Envoy, as well as several sessions of face-to-face discussions. Representatives of the neighbouring countries, Algeria and Mauritania, were present at the opening and closing sessions and were consulted separately during the meeting. During the opening session and subsequent discussions, the parties had reiterated their commitment to the process of negotiations and to the

implementation of Security Council resolutions 1754 (2007) and 1783 (2007). Nevertheless, their stated positions remained far apart on ways to achieve a just, lasting and mutually acceptable political solution that would provide for the self-determination of the people of Western Sahara. As a result, although the parties dynamically interacted with each other, there had hardly been any exchange that could be characterized as negotiations.

21. During the meeting, the parties had engaged in an extensive exchange of views with regard to the implementation of Security Council resolutions 1754 (2007) and 1783 (2007). In addition, the matter of confidence-building measures was included on the agenda in order to obtain greater clarity as to the positions of the parties on existing or additional measures, as well as on the appropriate forum for discussing such measures. The parties also participated in discussions on thematic subjects related to administration, competences and organs, but did not examine specific elements included in each other's proposals.

22. At the end of the meeting, the parties agreed to the communiqué of the Secretary-General's Personal Envoy (ibid., annex), in which it was acknowledged that the parties had continued to express strong differences on the fundamental questions at stake. At the same time, the parties reiterated their commitment to show political will and negotiate in good faith, as called for by the Security Council, and agreed on the need to move the process into a more intensive and substantive phase of negotiations. With regard to the next steps in the process, the parties agreed to convene from 11 to 13 March 2008 at the Greentree Estate for a fourth round of talks. In order to help to prepare the groundwork for those discussions, the parties welcomed my intention to visit the region shortly for in-depth consultations.

23. In February 2008, the Personal Envoy undertook a 10-day visit to the region to continue his in-depth consultations with the parties and neighbouring countries, prior to the next and fourth round of talks rescheduled for 16 to 18 March 2008.

II. Consideration by the Security Council

24. The Security Council considered the reports of the Secretary-General contained in documents S/2007/202 and S/2007/385, S/2007/619 and S/2008/45.

25. By its resolution 1754 (2007) of 30 April 2007, having considered the report of the Secretary-General of 13 April 2007 (S/2007/202), the Security Council reaffirmed its commitment to assist the parties to achieve a just, lasting and mutually acceptable political solution, which would provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations; and, noting the role and responsibilities of the parties in that respect, reiterated its call upon the parties and States of the region to continue to cooperate fully with the United Nations and with each other to end the current impasse and to achieve progress towards a political solution; took note of the Moroccan proposal presented on 11 April 2007 to the Secretary-General and welcomed serious and credible Moroccan efforts to move the process forward towards resolution; and also took note of the Frente Polisario proposal presented on 10 April 2007 to the Secretary-General. The Council also called upon the parties to enter into negotiations without preconditions in good faith, taking into account the developments of the previous months, with a view to achieving a just, lasting and mutually acceptable political

solution, which would provide for the self-determination of the people of Western Sahara; requested the Secretary-General to set up those negotiations under his auspices and invited Member States to lend appropriate assistance to such talks; and requested the Secretary-General to provide a report by 30 June 2007 on the status and progress of those negotiations under his auspices. The Council also decided to extend the mandate of MINURSO until 31 October 2007.

26. In a press statement dated 11 July 2007 (SC/9076), the members of the Security Council welcomed the report of the Secretary-General of 29 June (S/2007/385) on the status and progress of the negotiations on Western Sahara, and expressed satisfaction that the parties and States of the region had agreed to meet on 18 and 19 June in accordance with resolution 1754 (2007). They supported the agreement by the parties that negotiations would continue in the second week of August under United Nations auspices and expressed their hope that the parties would use the next round of negotiations to engage in good faith in substantial negotiations on the way forward in accordance with resolution 1754 (2007). The members of the Council reaffirmed their strong support for the efforts of the Secretary-General and his Personal Envoy to implement resolution 1754 (2007).

27. By its resolution 1783 (2007) of 31 October 2007, having considered the report of the Secretary-General of 19 October 2007 (S/2007/619) on the situation concerning Western Sahara, the Security Council reaffirmed its strong support for the efforts of the Secretary-General and his Personal Envoy, as well as its commitment to assist the parties to achieve a just, lasting and mutually acceptable political solution, which would provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations, and noted the role and responsibilities of the parties in that respect. The Council reiterated its call upon the parties and States of the region to continue to cooperate fully with the United Nations and with each other to end the current impasse and to achieve progress towards a political solution. The Council took note of the Moroccan proposal presented on 11 April 2007 to the Secretary-General and welcomed serious and credible Moroccan efforts to move the process forward towards resolution; and also took note of the Frente Polisario proposal presented on 10 April 2007 to the Secretary-General. The Council took note of the two rounds of negotiations held under the auspices of the Secretary-General, and welcomed the progress made by the parties to enter into direct negotiations, and also took note of the parties' agreement to continue the process of negotiations through United Nations-sponsored talks. The Council went on to call upon the parties to continue to show political will and work in an atmosphere propitious for dialogue in order to engage in substantive negotiations, thus ensuring implementation of resolution 1754 (2007) and the success of negotiations. It also called upon the parties to continue negotiations under the auspices of the Secretary-General without preconditions and in good faith, taking into account the efforts made since 2006 and developments of the last months, with a view to achieving a just, lasting and mutually acceptable political solution, which would provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations, and noted the role and responsibilities of the parties in that respect. The Council also invited Member States to lend appropriate assistance to those talks. The Council requested the Secretary-General to provide a report by 31 January 2008 on the status and progress of those negotiations under his

auspices. The Council also decided to extend the mandate of MINURSO until 30 April 2008.

III. Consideration by the General Assembly

28. During the general debate at the sixty-second session of the General Assembly, a number of representatives referred to the question of Western Sahara in their statements. During the debate in the Special Political and Decolonization Committee (Fourth Committee), held from 4 October to 14 November 2007, a number of Member States also made reference to the question of Western Sahara.

29. At its 2nd meeting on 8 October 2007, the Fourth Committee heard the following statements which referred to Western Sahara: Juan Isidro Martínez (Dominican Republic), speaking on behalf of the Rio Group; Federico Perazza (Uruguay), speaking on behalf of the Southern Common Market (MERCOSUR); Liu Zhenmin (China); El Mostafa Sahel (Morocco); Youcef Yousfi (Algeria); Paul Badji (Senegal); Jaime Valente-Chissano (Mozambique); Tete Antonio (Angola); Hossein Maleki (Islamic Republic of Iran); Mason F. Smith (Fiji); and Alfredo Lopes Cabral (Guinea-Bissau).

30. At its 3rd meeting, on 9 October 2007, the Committee heard the following petitioners: Willy Meyer Pleite (European Parliament); Cynthia Basinet; Vanessa Ramos (American Association of Jurists); Senia Bachir-Abderahman (Saharawi Youth Union); Janet Lenz (Christ the Rock Community Church); Ahmed Boukhari (Frente Polisario); Fabio Marcelli; Ramón Rocha Maqueda (Asociación de Amistad del Pueblo Saharaui de Extremadura); Txomin Aurrekoetxea (Instituciones Solidarias con el Pueblo Saharaui a nivel del Estado Español); Alonso Rodríquez (Liga Española Pro-Derechos Humanos); Isidoro Moreno Navarro (University of Seville); Fernando Peraita Lechosa (Seville Association of Friendship with the Saharan People); Nicola Quatrano (Osservatorio Internazionale Onlus), Dan Stanley (Rockfish Church), Hilde Teuwen (Oxfam Solidarity); Suzanne Scholte (Defense Forum Foundation); Pinto Leite (International Platform of Jurists for East Timor); Aymeric Chauprade (Sorbonne University); and Paolo Bartolozzi (Regional councilman of Tuscany).

31. At its 4th meeting on 10 October 2007, the Committee continued to hear petitioners, as follows: Jean-Paul Lecoq (Deputy of Seine-Maritime, France); Lord Newall (International Committee for the Tindouf Prisoners); Carmen Motta (Associazione Jaima Sahrawi); Alain Dauger (Association des amis de la République arabe sahraouie démocratique); Norman Paech (Member of the German Bundestag), Cinzia Terzi (Associazione Jaima Sahrawi); Sydney S. Assor (Surrey Three Faiths Forum); Jacinta de Roeck (Belgian Interparliamentary Group for Peace in the Western Sahara); Mirco Carloni (City Council Member); Latifa Aït-Baala (Action internationale femmes); Tanya Warburg (Freedom for All); Vincent Chapaux; Jane Bahaijoub (Family Protection); Denis Ducarme (Belgian Parliament); Lorenzo Olarte Cullen (Former President, Autonomous Community of the Canary Islands); Khaddad El Moussaoui (Royal Advisory Council for Saharan Affairs, Morocco); Alessandro Fucito (Member, International Relations Commission, Naples City Council); Agaila Abba Hemeida (student); Anna Maria Stame Cervone (Christian Democratic Women International); Begona Errazti (Eusko

Alkartasuna); Gilonne d'Origney; Bernard López García (University of Madrid); and Ana Miranda (Emigration Committee of the Galician Nacionalist a Bloc).

32. At its 5th meeting, on 11 October 2007, the Committee heard statements from additional petitioners as follows: Fabian Martín Martín (Organización del Partido de Independientes de Lanzarote); Jose Manuel Romero González; Miguel Angel Puyol García (Fundación Pilotos 4x4 sin Fronteras); Jan Strömdahl (Swedish Western Sahara Committee); Mostafa Bouh (Ex-Member, Frente Polisario Political Bureau); Gajmoula Ebbi (Deputy, Moroccan Parliament); Kaltoum Khayati (Association de défense de la femme sahraouie); Javier Morilla Gómez (Autonomous Community of Madrid), Lindsay M. Plumley (United States-Western Sahara Foundation). A number of delegations made statements, some of which made reference to Western Sahara, as follows: Rodrigo Malmierca Díaz (Cuba); Asim Iftikhar Ahmad (Pakistan); Lazarous Kapambwe (Zambia), speaking on behalf of the Southern African Development Community; Dumisani Kumalo (South Africa); Marty M. Natalegawa (Indonesia); Frieda Nangula Ithete (Namibia); Boometswe Mokgothu (Botswana); Lipuo Moteetee (Lesotho); Crispin Gregoire (Dominica), speaking on behalf of the Caribbean Community; Denis Dangue Rewaka (Gabon); and Grace Mujuma (United Republic of Tanzania).

33. At its 6th meeting on 15 October 2007, a number of statements also made reference to Western Sahara, as follows: Aura Mahuampi Rodríguez de Ortiz (Bolivarian Republic of Venezuela); Gabriel Juan Ondo Matogo (Equatorial Guinea); Simon Nyowani (Zimbabwe); Alpha Ibrahima Sow (Guinea); and Jaime Hermida Castillo (Nicaragua). The Committee adopted draft resolution A/C.4/62/L.3, as orally amended, without a vote. In explanation after the vote, the representative for Portugal, speaking on behalf of the European Union, as well as related candidate countries and stabilization and association process countries, expressed satisfaction that the resolution on the question of Western Sahara had been presented at the current session as a proposal of the Chairman and adopted by consensus.

34. On 17 December 2007, the General Assembly adopted draft resolution I, entitled "Question of Western Sahara", recommended by the Fourth Committee (A/62/412, para. 24) without a vote, as resolution 62/116. Under the resolution, the Assembly, inter alia, welcomed the adoption of Security Council resolution 1754 (2007) on 30 April 2007, and expressed its satisfaction that the parties had met on 18 and 19 June and on 10 and 11 August 2007 under the auspices of the Personal Envoy of the Secretary-General, in the presence of the neighbouring countries, and that they had agreed to continue the negotiations. The Assembly called upon all the parties and the States of the region to cooperate fully with the Secretary-General and his Personal Envoy and with each other. It reaffirmed the responsibility of the United Nations towards the people of Western Sahara, and in that regard welcomed the efforts of the Secretary-General and his Personal Envoy in search of a mutually acceptable political solution to the dispute, which would provide for the self-determination of the people of Western Sahara.

35. The General Assembly expressed its strong support for resolution 1754 (2007), and welcomed the ongoing negotiations between the parties. It commended the efforts undertaken by the Secretary-General and his Personal Envoy for the implementation of resolution 1754 (2007), and encouraged the parties to continue to

show political will and a spirit of cooperation in supporting those efforts and to create a propitious atmosphere for dialogue and the success of the negotiations.

36. The Assembly further requested the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to consider the situation in Western Sahara and to report thereon to the Assembly at its sixty-third session. The Assembly also invited the Secretary-General to submit a report at its sixty-third session on the implementation of the resolution.

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Guam

Working paper prepared by the Secretariat

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I. General

1. Guam is a Non-Self-Governing Territory administered by the United States of America. Guam is the southernmost and largest of the Mariana Islands in the Pacific, situated about 1,350 miles south of Tokyo and 3,700 miles west-south-west of Hawaii. It consists of a single island of approximately 212 square miles. It comprises two distinct geological areas of about equal size. The northern part of the island is a high coralline limestone plateau and the southern region is mountainous. Apra Harbour, which is located on the central western side of the island, is one of the largest protected harbours in the Pacific and is considered to be the finest deep water port between Hawaii and the Philippines. The capital city of Guam is Hagåtña, also known as Agana.

2. When the first Spanish missionaries came to Guam late in the seventeenth century, it was inhabited only by the indigenous people of Chamorros. They are believed to be of Mayo-Polynesian descent. Today, the Chamorros comprise just over one third of the population and play an active role in the political and social life of the island, which has evolved into a multi-ethnic society.[1] According to the United States Census Bureau International Data Base, Guam's population for 2007 was 173,456, an increase from 171,019 in 2006. The main ethnic composition of the population is approximately 37 per cent Chamorro, 26 per cent Filipino, 11 per cent other Pacific islanders, and 26 per cent Chinese, Japanese, Korean and others.[2] English and Chamorro are the official languages. The population growth rate in 2007 was estimated to be 1.4 per cent.[2]

3. The majority of the population is Roman Catholic (85 per cent), with other Christian denominations also represented.[2]

II. Constitutional, legal and political issues

4. Guam was administered by the United States Department of the Navy until 1950, when the United States Congress enacted the Guam Organic Act, which established institutions of local government and made Guam an organized Territory. Since then, the Territory has been administered by the Department of the Interior. Guam is an unincorporated Territory since not all provisions of the United States Constitution apply to the island. According to United States law, Guam, as an unincorporated Territory, is a possession of the United States but not part of the United States.

A. Constitutional structure

5. Guam has a locally elected Government, which comprises separate executive, legislative and judicial branches. Universal suffrage with respect to local elections applies to Guamanians 18 years and older. Guamanians are citizens of the United

Note: The information contained in the present paper has been derived from published sources, including those of the territorial Government, and from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations.

[1] www.doi.gov.oia.

[2] Central Intelligence Agency, *The World Factbook 2008*, Guam (see www.cia.gov).

States, but they are not eligible to vote in United States presidential elections while resident in the Territory. The people of Guam elect a Governor, who serves a four-year term. The current Governor, Felix P. Camacho, assumed that post in January 2003 and was re-elected in 2006. The Governor is responsible for the general supervision and control of the executive branch and submits an annual report to the United States Secretary of the Interior for transmission to Congress. The Governor may issue executive orders and regulations, recommend bills to the Legislature, make his views known to that body and veto legislation.

6. The people also elect 15 senators, who serve two-year terms in a unicameral Legislature. The Legislature may override the Governor's veto. Under the Organic Act of 1950, the United States Congress reserves the authority to annul any law enacted by the Guam Legislature.

7. In 1972, Guam was granted one non-voting delegate to the United States House of Representatives. The delegate, who serves a two-year term, may vote in committee and, since January 2007, on the floor. The change is largely symbolic, however, as territorial delegates are allowed to vote only on floor amendments, not on final approval of bills.[3]

8. As a result of the vote for the 29th Guam Legislature in January 2007, the Republican majority dropped from nine to eight seats, with the Democrats holding seven seats. In January 2008, however, following the death of a Republican Senator, a special election was held which filled the vacant senatorial seat with a Democratic candidate, thereby handing the Democrats a majority within the Legislature. Discussions are currently ongoing as to how to reconcile a Democratic majority while the leadership positions are held by Republicans. Some Democrats believe that a switch in the majority should mean a switch in leadership. Republicans, meanwhile, refer to the rules of the Legislature, which require 12 votes to remove senators in leadership positions. Changing the Legislature's rules would require at least 10 votes.[4] As for the election of Guam's Delegate to the United States Congress, Democrat Madeleine Bordallo ran unopposed and was re-elected for her third two-year term.[5]

B. Legal system

9. The judicial system in Guam comprises both local and federal components. The local judicial system is made up of a Superior Court and a Supreme Court led by judges appointed by the Governor and confirmed by the Legislature. Local judges are subject to confirmation by the voters every six years. At the federal level, a District Court judge, appointed by the President of the United States, is the head of the United States District Court for Guam. In 1998, Congress adopted an amendment to the Organic Act of Guam allowing the Guam Legislature to elect its own Attorney General for a four-year term. Attorney General Alicia G. Limtiaco, who took office in 2007, is the Chief Legal Officer of the Government of Guam, and the first female to fill the position. The Office of the Attorney General provides

[3] *The New York Times*, 25 January 2007.

[4] *Pacific Daily News*, www.guampdn.com, 8 January 2008.

[5] Ibid., 8 November 2006.

legal services to the Government of Guam and is empowered with prosecutorial authority.

10. An amendment to the Organic Act, which established the judiciary of Guam as an independent branch of Government, became law in 2004.[6] The law also confirmed the appellate jurisdiction and administrative authority of the Supreme Court of Guam over all inferior courts in the Territory, thereby effectively establishing a unified local judiciary.

C. Political parties and elections

11. Guam has two main political parties, the Republican Party and the Democratic Party, which are local chapters of the two main United States political parties. In November 2006, the Republican incumbent, Felix Camacho, defeated former Democratic Congressman Robert Underwood by 864 votes and was re-elected Governor. Mr. Underwood contested the result on the basis of how the vote was counted, but in May 2007, the United States Supreme Court denied Mr. Underwood's petition to hear the issue.[7] (For more details, see the 2007 working paper (A/AC.109/2007/16, para. 11)).

D. Political issues

12. Periodically, there have been moves in Guam to change the island's political status. In a 1976 referendum Guamanians decided to maintain close ties with the United States, but also to begin negotiations to improve the Territory's status. In 1979, the people of Guam rejected a draft constitution by a margin of five to one, mainly on the grounds that the question of political status had to be resolved before a meaningful constitution could be drafted. Another referendum took place in 1982, with 73 per cent of voters opting to pursue commonwealth status with the United States.

13. A Commission on Self-Determination, established in 1984, completed a draft Commonwealth Agreement in 1986 (a summary is contained in the 2001 working paper (A/AC.109/2001/4)). However, ongoing discussions from 1989 to 1997 between the Commission and the United States Government on the Commonwealth Agreement did not reach a resolution (see A/AC.109/2000/6, paras. 19-22, A/AC.109/1192, paras. 19-37, and A/AC.109/2018, paras. 74-83). In 1997, Guam Public Law 23-147 established a Commission on Decolonization for the Implementation and Exercise of Chamorro Self-Determination, an important but controversial issue within the Chamorro population (see also para. 65 below). That Commission, in concert with a process of registration of eligible voters organized by the Guam Election Commission, was to oversee the conduct of a vote on the Chamorro people's status preferences of either independence, integration or free association, in accordance with international standards.

[6] Information transmitted to the Secretary-General by the Government of the United States under Article 73 *e* of the Charter of the United Nations, in February 2006.

[7] http://www.kuam.com/news/22658.aspx.

14. In 2000, the Guam Legislature provided the Guam Election Commission with the power to set the date of the decolonization plebiscite, which was expected to ask the Territory's indigenous people to choose between statehood, independence or free association with the United States. The plebiscite would have been non-binding but would have set the course of any future discussions of political status with the administering Power. The vote, scheduled to take place on 2 November 2004, was postponed because eligible voters had not been identified and registered. (Further details are contained in the 2007 working paper (A/AC.109/2007/16, paras. 12-16)). To date, no further action has been reported.

III. Budget

15. Guam's fiscal year covers the period 1 October to 30 September.[2] The budget of Guam comprises revenues received by the Government of Guam and federal grants generally, allocated to particular sectors through the Department of the Interior on an ad hoc basis. The Governor has the power to veto a budget bill, following which the bill is returned to the Legislature, which can either override the Governor's veto by a special majority or reconsider the bill.

16. In his 2007 State of the Island Address,[8] the Governor referred to the present situation of the Government's finances as a "financial crisis" that could no longer be ignored and could not be addressed by "short-term solutions". He pointed out that with the exception of 2004, the deficit had been rising since 1998 and that the Government could no longer sustain its current level of operations.

17. On 23 February 2007, before declaring a financial "state of emergency", Governor Camacho signed an executive order instituting government-wide austerity measures intended to drastically cut government spending. The order placed restrictions on public hiring, promotions, travel, overtime and other government functions.[8] More specifically, the Governor called for 13 million United States dollars (US$) worth of spending cuts,[9] $15 million worth of tax and fee increases and a $34 million loan to avoid laying off any public sector employees.[8]

18. In June 2007, as part of the 2008 Executive Budget, Governor Camacho announced a Fiscal Recovery and Deficit Elimination Plan intended to eliminate the deficit and create reserves by 2014. However, in January 2008, while laying out the 2009 Executive Budget, the Governor announced that the current deficit was over $500 million, and stated that with the financial year 2008 estimated revenues, spending plan and bond initiatives, the Government would still be facing a deficit of $400 million by the 2014 target.[10] The budget for financial year 2008 was signed into law by Governor Camacho on 29 September 2007, just one day before the fiscal year ended, owing to his strong reservations and concerns about a funding shortfall of $45 million in the areas of health, safety and education alone. He also pointed out that the budget provided no comprehensive plan to address the remaining deficit. The Governor noted that the budget passed by the Legislature was significantly different from the budget proposed by him, which included a deficit elimination

[8] State of the Island Address, 19 February 2007.

[9] The United States dollar is the official currency of Guam.

[10] The Fiscal Year 2009 Executive Budget, www.guamgovernor.net.

plan, but said that he had signed it into law to avoid a shutdown of government services.[11]

19. The Guam Administration projects a revenue level of $521 million for fiscal year 2009, a 6 per cent growth from the 2008 projected revenue of $489.9 million. The projection is based on increases in tourism, construction, military investments and federal cash inflows.[10]

20. In 2007, Guam's accumulated deficit reached $511 million. Major positions which make up this deficit are $123 million tied to a ruling related to cost-of-living-allowances (COLA) for retirees and $90 million owed in tax credits. In the COLA case, the Government owes the money to about 4,000 retirees because of a law that was in effect between 1988 and 1995, which required an adjusted COLA for retirees, based on the amount of the retirement check and changes in the cost of living. Retirees instead were paid a flat amount of $1,800.[12] The tax credit ruling, known as earned income tax credit, is based on a case filed on behalf of Guam's working poor who were not able to claim an earned income tax credit on tax return forms in 1997 and 1998. In September 2007, the Guam Department of Revenue and Taxation started to distribute $8 million and another $14 million in December 2007 to the retirees, although the total payments will be only 10/15ths of what the retirees are owed. On 5 March 2008, Governor Camacho signed a document freeing up another $9 million for partial COLA payments.[13]

21. The Administration had planned to address the deficit by borrowing money on the bond market, under provisions in Guam law that allow the Governor to borrow as much as $770 million in that manner. The Attorney General, however, argued that additional borrowing would exceed the legal debt limit set under the Organic Act. In March 2007, the United States Supreme Court ruled in favour of the Attorney General.[14] Based on the calculation of Guam's Public Auditor, the amount available for bond borrowing by the Government of Guam is $155.2 million.[15]

IV. Economy

A. General

22. According to the Guam Visitors Bureau Five-Year Strategic Plan, tourism is the largest single sector in Guam's economy, generating 60 per cent of the island's revenue and contributing $1.35 billion to the local economy in 2006. The latest available data from the Guam Economic Development and Commerce Authority, show that after tourism the economy is 30 per cent dependent on the military; and approximately 5-10 per cent on other industries.[16] These numbers are, however, likely to change as a result of an upcoming military expansion (see also para. 24 below). The construction sector in particular, an important contributor to the economy, is expected to see rapid growth in the coming years, particularly with the expected military expansion. The farming and fishing sectors are relatively well

[11] www.guam.gov, and www.kuam.com, 29 September 2007.
[12] www.guampdn.com, 19 March 2007.
[13] www.guam.gov, 2 April 2007 and 6 March 2008.
[14] http://www.oyez.org/cses/2002-2009/2006/2006_06_116.
[15] *Government of Guam Debt Ceiling Calculation 2007*, http://www.guamopa.com.
[16] *Pacific Daily News*, 31 March 2005, www.guampdn.com.

developed; vegetables, citrus and tropical fruits, coconuts and sugar cane are grown and livestock, especially poultry, is raised. Manufacturing sectors include textiles and garment production, cement and plastics.[17]

23. Guam is a duty-free port and an important distribution point for goods destined for Micronesia. Re-exports constitute a high proportion of Guam's exports, which include petroleum products, iron and steel scrap, automobiles, tobacco and cigars, among others. In 2006, Guam's principal trading partners for imports and exports were to a large extent overlapping. Japan was the largest buyer of Guam's exported goods (70.1 per cent), followed by Republic of Korea (17.3 per cent) and Singapore (5.4 per cent). Key partners for Guam's imports were Singapore (35.8 per cent), Japan (22.2 per cent), Republic of Korea (17.5 per cent), and Hong Kong (11.3 per cent).[2]

24. The gross domestic product (GDP) of Guam in 2006 was estimated at $2.8 billion, which was equivalent to $15,969 GDP per capita compared to $46,000 per capita for the United States Mainland.[2] With the strong growth expected for the military sector, approximately $15 billion in military spending has been announced over the next decade, of which $10.3 billion will be used to fund the relocation of 8,000 marines and their dependents from Okinawa, Japan, to Guam. According to the First Hawaiian Bank, which has three branches in Guam, additional military spending alone of an anticipated $1.5 billion in 2008, is expected to spur economic growth of around 18 per cent.[18]

25. A report published by the Guam Department of Revenue and Taxation noted that Guam's tax base has eroded over the years owing to a variety of federal and local tax breaks. In 2006, individual income tax collections fell to $40 million from almost $45 million in 1999, while corporate tax collections fell from $250 million to $190 million in the same period, despite falling unemployment numbers.[19]

B. Primary economic sectors

1. Agriculture and fisheries

26. In February 2008, the United States Department of Agriculture announced four rural development programmes to support businesses and small minority producers in rural areas, including Guam. The aim of the programme is to promote entrepreneurship and help local businesses to get access to capital, technical assistance and new markets for their products and services. The programmes provide grants and zero-interest loans for job-creation projects, training, and the setting up of cooperatives.[20] More information on developments in the area of agriculture and fisheries can be found in the 2006 working paper (A/AC.109/2006/8).

2. Manufacturing/industry

27. One of the major industries on Guam is construction. In December 2007, the United States House of Representatives passed the National Defense Authorization

[17] "Guam" (see www.encarta.com).
[18] Economic Forecast — Guam Edition 2006-2007, First Hawaiian Bank, pp. 1, 12.
[19] www.kuam.com, 15 March 2007.
[20] www.guampdn.com, 13 February 2008.

Act for fiscal year 2008, which included a total of $290.7 million for military construction projects on Guam, an increase of nearly $100 million from the previous year. The projects will improve critical infrastructure for the military build-up.[21]

3. Tourism

28. Tourism is the largest single sector in Guam's economy and generates about 60 per cent of the Territory's revenue according to Guam Visitors Bureau, and accounts for 35 per cent of total jobs. In 2006, it generated about $1.35 billion to the economy.[22]

29. Slightly more than 1.2 million visitors arrived in 2007, which represents a small increase of 1 per cent compared to the numbers in 2006.[23] According to Guam Visitors Bureau statistics, Japanese tourist arrivals declined 1 per cent, from 875,413 to 789,793, during the first 11 months of 2007 compared to the same period in 2006. Tourists from Japan make up about 80 per cent of total arrivals on the island. The percentage of Japanese tourists with an income of more than $60,000 who visit Guam has steadily increased from 9 per cent in 2005 to 37 per cent in 2007; more affluent visitors are being attracted by a vast improvement in the facilities the island has to offer, according to the Visitor Bureau Manager Gerry Perez. Another important strategic segment of the market from Japan are wedding-related visits. Almost one in four overseas weddings for Japanese couples is held on Guam, where prices for weddings are about half or a third of the price in Japan.[23] During the first 11 months of 2007, South Korean tourist numbers increased about 5 per cent compared to the numbers for the same period in 2006, while United States visitors now account for almost 3 per cent of Guam's tourism market, up from what used to be less than 1 per cent.

30. On 2 March 2007, the Guam Visitors Bureau published a five-year strategic plan to diversify and raise Guam's yearly visitor arrivals to 1.5 million. In September 2007, an agreement was reached to initiate direct flights from Beijing in 2008. At the signing ceremony for the agreement in September 2007, attended by over 100 people from China's travel industry and media, Governor Camacho stated that it was Guam's intention to partner with the private sector and Guam's growing visitor industry to compete effectively as a world-class resort destination that would attract visitors from China and other parts of Asia.[24] In February 2008, the airline Continental Micronesia operated four charter flights between Guam and China. The Guam Visitors Bureau is hoping that this will enable them to tap into an affluent Chinese tourist market.[23]

31. To accommodate the growing number of visitors, groundbreaking took place in August 2007 at Guam's Antonio B. Won Pat International Airport for a $2.5 million project to construct a multimodal facility which will serve as a regional air and freight forwarder hub.[25] In September 2007, Guam International Airport Authority received a discretionary grant of $6.8 million from the Federal Aviation Administration of the United States Department of Transportation. The grant will

[21] www.house.gov/bordallo, 12 December 2007.

[22] www.guampdn.com, 1 March 2007; Economic Forecast — Guam Edition 2006-2007, First Hawaiian Bank, p. 3.

[23] *Pacific Daily News*, www.guampdn.com, 1 January 2008.

[24] http://www.guam.gov, 19 September 2007.

[25] http://www.guamairport.com, 29 August 2007.

provide federal funding for phase five of a project to replace and upgrade the water supply system at the international airport, which will help improve water pressure for fire protection and air conditioning.[26]

32. As part of the service sector, Guam has also developed a financial component. The island's financial system includes commercial banks, a savings and loan association, investment banks, finance companies and venture capital firms.[27]

C. Transport and communications

33. As of 2008, the transport infrastructure of Guam comprised five airports, of which Guam's international airport is the most modern in the Western Pacific; approximately 1,000 kilometres of roadways, almost all paved; and one port.[2]

34. In February 2008, the Government of Guam signed an agreement with a California-based corporation to manage a $140 million road system upgrade. Governor Camacho said that the project is part of a billion-dollar master plan, which would include the expansion of Guam's international airport, as well as improvements to the Apra Harbour seaport over the next five years.[28]

35. The Port Authority of Guam, which is a public corporation and an autonomous agency of the Government of Guam, administers the commercial port facilities at Apra Harbour. It is the entry point for 95 per cent of all goods entering Guam and serves as a trans-shipment centre for Micronesia. In February 2008, the Port Authority of Guam opened negotiations with two ocean carrier companies, which plan to spend between $12 million and $15 million to buy, refurbish, ship and install three gantry cranes at the seaport to ensure that ships are not left with unloaded cargo in the event of the breakdown of the port's two cranes. The firms involved account for about 80 per cent of all cargo shipped to Guam and their cargo volumes are expected to surge with the military-related construction projects.[29]

36. Guam continues to serve as a major telecommunications hub for the Asia/Pacific rim. Guam has a modern digital telephone system, including cellular mobile service and local access to the Internet. The system is integrated with United States facilities for direct dialling, including free use of "800" numbers.

D. Water system, sanitation and utilities

37. Approximately 74 per cent of the island's water supply is provided by the Guam Waterworks Authority (GWA). The Government's water sources consist of groundwater and surface water (Ugum River). The remainder is produced by the air force and naval installations on Guam. The Navy water source is a surface reservoir (Fena Lake) in the southern part of the island, for which a $2.5 million bypass was constructed in 2007. During the fiscal year 2007, GWA spent just over $3 million on purchasing water from the Navy. In October 2007, the Navy doubled the amount it charges GWA, from $2.09 per thousand gallons to $4.05, meaning that GWA would

[26] http://www.house.gov/bordallo, 4 September 2007.
[27] Guam Business Opportunities Report, July 2007.
[28] *Mariana Variety*, 14 February 2008.
[29] *Pacific Islands Report*, 11 February 2008.

be spending approximately $6 million on water from the Fena plant. The figure was later reduced to $3.25 per thousand gallons in November 2007, following talks between Congresswoman Bordallo, the Assistant Secretary of the Navy for installations and environment, B. J. Penn, and the Joint Guam Program Office Executive Director, David Bice.[30]

38. In February 2007, the Consolidated Commission on Utilities approved a Guam Waterworks Authority master plan after three years of consultations. The plan calls for $900 million worth of projects to be completed over the next two decades, and will be reviewed every two years. The plan was developed to help improve water and wastewater service on Guam.[31]

39. In line with these objectives, GWA has implemented three projects to decrease the amount of water it purchases from the Navy yearly by at least 25 per cent, once completed.[32] In January 2008, the United States Environmental Protection Agency issued two fines against GWA following its failure to meet court-ordered deadlines for the installation of electronic meters for residents, and for a full renovation of the Ugum drinking water treatment plant.[33]

V. Military issues

40. Guam was administered by the United States Navy until 1950, and remains the site of extensive United States naval and air force installations. Petroleum storage, munitions stowage, extensive communications facilities and other service industries that cater to the military establishment form the basis of the military infrastructure in Guam. There are currently some 14,000 United States military-related people living in Guam. There are four submarines based in Apra Harbour, with the USS *Ohio* having arrived in early 2008. The USS *Ohio* alone has a crew of 17 officers, 15 chief petty officers and 122 enlisted men.[34]

41. Following a decision of the United States Government in 2005 to realign United States Marine Corps capabilities in the Pacific region, approximately 8,000 United States military personnel and some 9,000 family members are to be transferred to Guam from Okinawa. According to Congresswoman Bordallo, an investment of $14 billion is planned. The Government of Japan has authorized $6 billion to support the realignment of troops and the United States Government has pledged $4 billion, with a further $4 billion programmed in future budgets for infrastructure at the Naval Base Guam and Anderson Air Force Base. Ms. Bordallo has also called for a memorandum of understanding between federal agencies and the Government of Guam to ensure a firm commitment of future federal resources.[35] Related to the large increase in population is the need to improve infrastructure. Preliminary infrastructure to support the military move alone, outside of military facilities has been estimated to cost $945 million.[36] The military expansion is

[30] http://www.kuam.com, 9 November 2007.
[31] Ibid., 30 January 2007; Water Resources Master Plan — Commonly Asked Questions, www.guamwaterworks.org, 21 March 2007.
[32] http://www.kuam.com, 26 September 2007.
[33] *Pacific Daily News*, 16 January 2008.
[34] *Marianas Business Journal*, 8 January 2008.
[35] *Pacific Daily News*, 1 February 2008.
[36] Economic Forecast — Guam Edition 2006-2007, First Hawaiian Bank, p. 9.

anticipated to benefit Guam's economy in the amount of $1.5 billion per year once the process begins.[37]

42. On 6 March 2008, at an event held at the Guam Industry Forum for some 1,300 participants, mainly potential bidders for the upcoming military construction projects, David Bice, the chief of the Joint Guam Program Office, a United States military unit handling the build-up of forces in Guam, said that it was preparing to start full-scale construction in 2010 of infrastructure facilities related to the build-up so as to relocate the Marines from Japan's Okinawa Prefecture by 2014. Mr. Bice said the whole build-up project would draw nearly 19,000 military personnel and nearly 20,000 family members to Guam. The envisaged relocation of the 8,000 Marines and their dependents from Okinawa would be a key component. Mr. Bice informed the participants that the military intended to come up with a draft-plan for the exercise by April 2008.[38] For his part, Governor Camacho called upon the Japanese and United States Governments for help in carrying out the build-up project, saying that the possible project cost of $3 billion was far beyond the Guam Government's capability to finance.[38] On 8 March 2008, the Governor reiterated his calls for more federal aid, saying that he had spent the past year working on efforts to secure appropriations in the 2010 federal budget.[39]

43. A poll commissioned by the Guam Chamber of Commerce and conducted by a professional research company in February 2008, found that 71 per cent of Guam residents supported an increase in the United States military presence, with nearly 80 per cent of the view that the increasing military presence would result in additional jobs and tax revenue; according to the poll, 60 per cent felt the additional Marines on the island would have a positive effect and would ultimately improve the island's quality of life.[40]

44. Opposition to the military expansion stems mainly from concerns about the sociocultural impact on Guam. In August 2007, Delegate Bordallo met with a gathering of 35 women from the Fuetsan Famalao'an, a prominent women's group in Guam which is active on issues of concern in the sociocultural field, including environmental degradation in connection with the military build-up.[41] The former Guam Senator Hope Cristobal, in a written statement, said that the United States "Congress must responsibly address the cumulative effect of all proposed military projects together with past and current military activity and presence. The effectiveness of past mitigation efforts by the military should be assessed in order to determine the prudence of allowing future mitigation where adverse impact is expected." She also demanded that the people of Guam be fully informed of the results of any environmental studies conducted or being conducted on Guam. Ms. Cristobal went onto say that "a cumulative study is particularly important relative to past military use of our landfill and over 80 contaminated dump sites still existing on Guam that have yet to be cleaned up by the military, despite their placement on the U.S. Environmental Protection Agency cleanup lists for many years." In addition there are concerns of the impact on the infrastructure on Guam. According to a United States Accountability Office study in September 2007, the

[37] Ibid., pp. 8-9.
[38] Japan Economic Newswire, 6 March 2008.
[39] www.kuam.com, 8 March 2008.
[40] http://www.guampdn.com, 18 February 2008.
[41] *Marianas Variety*, 14 August 2007.

military expansion could lead to a breakdown in infrastructure unless the federal Government provides "significant funding".[42]

45. A team of United States socio-economic experts was scheduled to visit Guam in 2008 to undertake a data collection exercise that will ascertain the impact that the relocation of Marines to Guam would have on the island's education, health-care services, employment opportunities, property values, crime, cost of living and other socio-economic issues.[43]

46. At its third meeting, on 9 October 2007, the Special Political and Decolonization Committee (Fourth Committee) of the General Assembly was addressed by three petitioners from Guam. The petitioners advocated against the "growing colonization and continued militarization of Guam" by the United States, in what they saw as being in violation of the indigenous Chamorro people's political and civil rights, and to the detriment of the Territory's socio-economic development and environment.[44]

47. With regard to the military's presence on Guam, many Guamanians are still seeking answers from past military activities on the island. A "Right to Know" Commission, set up in 2006, held a meeting in March 2007 to start organizing its work. One of the issues the Commission will look into is toxic environmental contamination, which might have been caused by chemical agents stored and left on Guam by the military.[45]

VI. Land issues

48. As reported in previous working papers, the question of land use and ownership is a major and ongoing consideration on Guam. This question comprises two major issues: (a) the return of unused or underutilized lands held by the Department of Defense; and (b) the return of those lands to the original Chamorro landowners. In 1994, Congress passed the Guam Excess Lands Act (Public Law 103-339) to return 3,200 acres to the people of Guam. The latest available data show that in 2005, a total of 180 parcels of land benefiting 2,000 families had been returned, 7 parcels more than the previous year (see A/AC.109/2006/8).

49. According to preliminary forecasts, all future military growth was expected to take place on the 39,000 acres of existing military-owned real estate on Guam, which represents almost a third of the Territory's land area.[46] However, on 8 March 2008, it was reported that the company Younex International had purchased on Guam, for $21 million, 1,021,000 square meters of strategically placed property, land which formed part of the so-called ancestral lands returned to the original landowners (see also para. 48 above). A company representative from Younex was quoted as saying that his company was ready to build facilities needed by the military if it made financial sense.[47]

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[42] *The Washington Post*, 25 January 2008.

[43] www.guampdn.com, 11 February 2008.

[44] General Assembly press release, GA/SPD/372, 9 October 2007, www.un.org/News/Press/docs/2007/gaspd372.doc.htm.

[45] www.kuam.com, 27 February 2007.

[46] Economic Forecast — Guam Edition 2006-2007, First Hawaiian Bank, p. 8.

[47] *Pacific Daily News*, 3 March 2008.

VII. Social conditions

A. Law and order

50. In May 2007, the Governor announced the opening of new police and fire stations in Dededo, including a new Emergency Operations Center.[48]

51. In October 2007, a new law was passed requiring all persons convicted of criminal sexual conduct or of a crime against a minor to register with the Guam Sex Offender Registry. The law also strengthens the local Sex Offender Registration and Notification Program requirements.[49] The law was passed months after a police investigation led to the arrest and detention of 7 adults and 18 minors for their participation in an organized crime and prostitution ring.[50] Also in October, the Attorney General's Office hosted a three-day conference to spread awareness about physical and sexual abuse towards children.[51]

B. Labour

52. According to the Guam Department of Labor, the number of both private sector and government jobs on Guam increased by 1,590 jobs, or 2.7 per cent, over the period from September 2006 to September 2007, reaching 59,550 registered jobs. While employment in manufacturing, transportation and public utilities and retail trade decreased, increases were seen for jobs in the service sector and public sector; with the construction sector experiencing the largest increase, that is, 1,450 jobs, or 35 per cent.[52] The latest available statistics from 2006 show that about 20,000 jobs on the island (approximately 35 per cent of total jobs) are tourism-related.[53]

53. The last unemployment rate available for Guam is from March 2006, when it stood at 6.9 per cent. This represents a strong decrease since 2000, when it reached more than 15 per cent.[54]

54. A federal regulation that prevented skilled non-immigrant foreign workers from working in military construction projects in the Territory was lifted at the end of 2006.[55] Officials have estimated that as many as 20,000 skilled construction workers will be needed on the island for that work. In 2006 the island had about 5,000 construction workers.[56] In July 2006, the Governor also signed Bill 261 into law, which created a registered apprenticeship programme and authorized the Department of Labor to contract with businesses and offer incentives in order to further develop a much-needed skilled workforce.[57] According to the administering

[48] http://www.kuam.com, 16 May 2007.
[49] Ibid., 26 October 2007.
[50] Ibid., 7 September 2007.
[51] Ibid., 9 October 2007.
[52] www.guamdol.net, September 2007, Current Employment Report.
[53] Economic Forecast — Guam Edition 2006-2007, First Hawaiian Bank, p. 3; Guam Visitors Bureau, Five-Year Strategic Plan, pg. iv.
[54] Economic Forecast — Guam Edition 2006-2007, First Hawaiian Bank, p. 5.
[55] Bill No. 323, www.guamlegislature.com/bills.htm, 30 December 2006.
[56] www.pacificmagazine.net, 19 September 2006.
[57] www.kuam.com, 19 July 2006.

Power, the apprenticeship registration programme is still pending approval by the United States Department of Labor Bureau of Apprenticeship and Training.

C. Education

55. Guam has an extensive public and private education system. The public education system includes the University of Guam, Guam Community College, 4 public high schools, 7 middle schools, 25 elementary schools and an alternative school, which together serve over 30,000 students. The private system includes 2 business colleges, 5 high schools and several elementary schools, most of which are affiliated with Roman Catholic and Protestant religious denominations.

56. In his February 2007 State of the Island Address, Governor Camacho announced the building of four new public schools on Guam over the next two years — two elementary schools, one middle school, and one high school. As of February 2008, all four schools were still under construction but all were expected to be finished before the end of 2008.[58] There is, however, resentment among part of the local population over what is perceived as the lack of funding for Guam's local schools, as compared to schools set up for children of the military personnel. This could be a factor in the Governor's stated goal for the future of a school system integrating civilian and military students.[8] In February 2007, the Guam Education Policy Board approved a $234 million budget for the Guam Public School System for fiscal year 2008.[59]

D. Public health

57. Life expectancy of Guamanians for 2008 was 75.7 years for male and 82 years for female.[2] The major health facility in Guam and the Federated States of Micronesia, the Guam Memorial Hospital, is owned by the Government and has 192 beds, including 159 beds for acute care. A new Northern Regional Community Health Centre was opened in June 2007, with an expansion of an extra eight examination rooms, at a cost of over $2 million.[60] The community centre will maintain its focus on providing primary care since it is not equipped to cope with emergency cases.[61] The Guam Department of Public Health operates about a dozen medical and dental clinics.[1]

58. The United States Naval Hospital serves military personnel and dependants as well as veterans. The United States Navy plans to spend almost $300 million on a new hospital to replace an outdated facility while preparing for the influx of marines in the next few years. Groundbreaking is planned for 2008 with construction of a hospital generally taking three to five years.[62]

59. Guam has a serious shortage of doctors and nurses and lack of bed space at its hospitals. In May 2007, the recruitment of physicians was the main discussion item at a meeting of the Guam Board of Medical Examiners, and a suggestion was made

[58] www.guamgovernor.net, 10 April 2007.
[59] www.kuam.com, 28 February 2007.
[60] http://www.kuam.com, 15 June 2007.
[61] www.guampdn.com, 7 March 2007.
[62] www.estripes.com, 6 July 2006.

to recruit physicians from the Philippines and Taiwan owing to the difficulty of attracting doctors from mainland United States, and the possibility of changing the standards for licensure or certification of off-island doctors.[63]

60. In February 2008, two major Australian companies expressed an interest in managing the Guam Memorial Hospital, and Governor Camacho held discussions with the Chief Executive Officer of Cairns Private Hospital about the possibility of students from Guam receiving medical training in Australia.[64]

E. Housing

61. According to one of Guam's major real estate groups, the island's real estate market reached new heights in 2007. This surge is attributed to expectations about the military build-up, coupled with low interest rates. Annual sales figures equalled $686.8 million, up 58 per cent from 2006 and nearly five times the 2003 figure of $145.9 million. That reflects a strong growth since the downturn in the earlier part of the decade, when the annual sales figure was $120 million. In the residential sector, the annual median price of a Guam single-family dwelling increased by 19 per cent in 2007, to $196,850, a 71 per cent increase over the 2003 figure, while the average price of condominiums increased by 21 per cent, to $144,850, approximately double 2003 prices.[65]

F. Immigration

62. A major issue in the federal Government's relations with Guam is migration from the Freely Associated States of the Marshall Islands, Micronesia (Federated States of) and Palau. The Compact of Free Association Act of 1986, which established the relationship between the United States and the Federated States of Micronesia, and the Marshall Islands, authorized unrestricted migration from those Pacific island nations to the Territories and possessions. The Act enabled citizens of the Freely Associated States to enter Guam and to engage lawfully in occupations as non-immigrant aliens.[66] Those immigrants and their American-born children have settled in Guam, Hawaii and the Northern Mariana Islands, which has strained the resources of recipient States and Territories.

63. On 12 December 2007, the House of Representatives passed the Northern Mariana Islands Immigration, Security, and Labor Act, which applies United States federal immigration laws to the Commonwealth of the Northern Mariana Islands and provides a congressional delegate to represent the region. According to Congresswoman Bordallo, there are two provisions in the Act of importance for Guam. First, is the establishment of a unified, regional visa-waiver programme for both Guam and the Commonwealth of the Northern Mariana Islands, modelled on the Guam-only visa-waiver programme. Secondly, the bill provides for the possibility of authorizing entry of temporary skilled and unskilled workers to Guam

[63] http://www.kuam.com, 17 May 2007.
[64] Ibid., 5 February 2008.
[65] www.pacificmagazine.net, 14 February 2008.
[66] United States Department of the Interior, Office of Insular Affairs, Report on the State of the Islands, 1999, chap. 4.

and the Commonwealth of the Northern Mariana Islands to meet the demands associated with the military build-up.[67]

64. In order to reimburse Guam, the other Territories and Hawaii for the cost of providing government services for regional immigrants, the federal Government has issued Compact-impact funding. In December 2003, the Compact of Free Association Amendments Act of 2003 was passed, renewing the original Compact of 1986 for another 20 years. Additional Compact-impact reimbursement is authorized if impact costs rise above the mandatory appropriation of $30 million per year. An estimated $12 million to $14 million in annual funding is expected for Guam. The Compact-impact allocation to Guam of $14.2 million in 2006 remained the same for 2007.[68]

G. Human rights and related issues

65. The question of human rights in Guam is mostly centred on the rights of the indigenous peoples. See paragraphs 12 to 14 above, with regard to the issue of self-determination, and paragraphs 44 to 47 above, with regard to concerns about the impact of the military build-up in relation to socio-economic issues and Guam's environment. (More information on human rights and related issues can also be found in the 2003 working paper (A/AC.109/2003/15).)

VIII. Environment

66. Guam continues to experience environmental problems related to the United States occupation during the Second World War (see A/AC.109/2001/4, para. 83, and A/AC.109/2005/7, para. 67, and A/AC.109/2007/16, para. 83). In August 2007, Guam Senator Ben Pangelinan requested that the United States House Judiciary Committee hold a public hearing to expand the federal Radiation Exposure Compensation Act to include residents of Guam. The request was based on scientific findings which stated that Guam had received significant radiation exposure during the atomic test periods in the Marshall Islands in the 1950s.[69]

67. With regard to contamination, a $13 million cleanup project at a 1945 United States Air Force dumping ground at Urunao is now halfway completed. Some 30,000 pieces of munitions or explosives of concern have been found and disposed of so far.[70]

68. The severity of the issue has been emphasized by Professor Szyfres of the University of Guam College of Natural and Applied Sciences, who stated that although there might no longer be dumpsites of toxic chemicals on Guam, the island's soil and groundwater remain contaminated. Professor Szyfres also pointed to a report by the Government of Guam, which showed that in comparison to the continental United States, many diseases, including types of cancer, are more prevalent on the island than on the Mainland.

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[67] www.kuam.com, 12 December 2007.
[68] www.house.gov/bordallo.
[69] www.kuam.com, 13 August 2007.
[70] Ibid., 23 January 2008.

69. On 14 December 2007, the District Court of Guam Chief Judge, Frances Tydingco-Gatewood, issued a court order that required the immediate closure of Guam's Ordot dump, which continued to pose grave health hazards to the inhabitants of the surrounding villages. The Court also ordered the payment of $2.8 million in penalties, and condemned a proposed new landfill site at Layton. In response, Governor Camacho urged the Court to consider requiring the federal Government's assistance in shutting down the facility, as it had been a United States military dump in the 1960s. The Governor stated that it would take at least two years for a new landfill to be operational; meanwhile, he would encourage recycling to prolong the usage of the Ordot dump.[71] On 8 January 2008, the Guam Government submitted its Ordot Dump closure report to the Court, and on 25 January it deposited $2.8 million into the federal court savings account as instructed by the Court.[72]

70. With regard to the Territory's coastline, the year 2008 was recently designated the "Guam Year of the Reef". The Administrator for the Guam Coastal Management Program said that a number of events would be held to educate people and promote the protection of the reefs on Guam, including an international coastal cleanup, along with a symposium on the coral reef, scheduled for April 2008.[73]

IX. Future status of the Territory

A. Position of the territorial Government

71. Developments regarding discussions on the future status of Guam are reflected in section II above.

B. Position of the administering Power

72. At the sixty-first session of the General Assembly, speaking on 22 December 2006, in explanation of vote after the adoption of resolution 61/231 on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies, the United States representative inter alia stated the following:

> "The very term 'non-self-governing' seems inappropriate for territories able to establish their own constitution, elect their own public officers, have representation in Washington, D.C., and choose their own economic path. The United States was fully supportive when countries chose independence, and was proud to welcome them as equal and sovereign partners. In the case of Territories that did not choose independence, however, the United States has also supported the right of people in those Territories to a full measure of self-government, including the rights to integration and free association. The United States calls upon all Member States to respect the choices made by residents of Non-Self-Governing Territories" (see A/61/PV.84).

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[71] www.mvariety.com, 19 December 2007.

[72] Ibid., 25 January 2008.

[73] http://www.guam.com/news/26319.aspx.

73. The Assistant Secretary of State for legislative affairs, in a letter dated 2 November 2006 to an American Samoa Congressman, outlined the position of the United States Government on the status of American Samoa and other United States Insular Areas. The Assistant Secretary's letter noted that the status of those Insular Areas regarding their political relations with the federal Government were United States internal issues and not those of the Special Committee on Decolonization. The letter also noted that the Committee had no authority to alter in any way the relationship between the United States and those Territories and no mandate to engage the United States in negotiations on their status. The letter further stated that at the same time, under its United Nations Charter obligations to provide regularly to the United Nations statistical and other information of a technical nature relating to economic, social and educational conditions in the Territory, the federal Government did submit annual updates about the United States Territories to the Committee as a demonstration of United States cooperation as an administering Power. The annual reports were also an opportunity to correct any errors in information the Committee might have received from other sources. The General Assembly had agreed in 1960 to a set of principles governing whether a territory was non-self-governing and the United States would have to provide the Committee with information showing that those principles were satisfied before the Committee would agree to "de-list", these Insular Areas.[74]

C. Action taken by the General Assembly

74. On 17 December 2007, the General Assembly adopted, without a vote, resolutions 62/118 A and B, based on the report of the Special Committee transmitted to the General Assembly[75] and its subsequent consideration by the Special Political and Decolonization Committee (Fourth Committee) (A/62/412). Section VI of resolution 62/118 B concerns Guam. Under that section's operative paragraphs, the General Assembly:

1. *Calls once again upon* the administering Power to take into consideration the expressed will of the Chamorro people as supported by Guam voters in the plebiscite of 1987 and as provided for in Guam law, encourages the administering Power and the territorial Government of Guam to enter into negotiations on the matter, and requests the administering Power to inform the Secretary-General of progress to that end;

2. *Requests* the administering Power to continue to assist the elected territorial Government in achieving its political, economic and social goals;

3. *Also requests* the administering Power, in cooperation with the territorial Government, to continue to transfer land to the original landowners of the Territory, to continue to recognize and respect the political rights and the cultural and ethnic identity of the Chamorro people of Guam and to take all necessary measures to respond to the

[74] http://samoanews.com, 7 November 2007.

[75] *Official Records of the General Assembly, Sixty-second Session, Supplement No. 23* (A/62/23).

concerns of the territorial Government with regard to the question of immigration;

4. ***Further requests*** **the administering Power to cooperate in establishing programmes specifically intended to promote the sustainable development of economic activities and enterprises, noting the special role of the Chamorro people in the development of Guam;**

5. ***Recalls*** **the request by the elected Governor to the administering Power to lift restrictions to allow for foreign airlines to transport passengers between Guam and the United States of America to provide for a more competitive market and increased visitor arrivals;**

6. ***Requests*** **the administering Power to assist the Territory in facilitating public outreach efforts, consistent with Article 73 *b* of the Charter of the United Nations, and calls upon the relevant United Nations organizations to provide assistance to the Territory, if requested, in support of such efforts.**

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General Assembly

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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Montserrat

Working paper prepared by the Secretariat

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I. General

1. Montserrat is a Non-Self-Governing Territory administered by the United Kingdom of Great Britain and Northern Ireland. The Territory was named after a Spanish monastery by Christopher Columbus on his second voyage to the island in 1493. In 1632, the island became a British colony. Its first settlers were largely Irish. Sugar production dominated the island's economy during the seventeenth and eighteenth centuries. Slaves who worked the cotton and sugar plantations were unsuccessful in historic uprisings in the late 1700s. Slavery was abolished in 1834. Meanwhile, after two brief occupations by France, British rule resumed in 1783 and Montserrat became a British Crown Colony in 1871. From 1871 to 1958, Montserrat was administered as part of the Federal Colony of the Leeward Islands, and from 1958 to 1962, it formed part of the Federation of the West Indies. Following the dissolution of the Federation in 1962, Montserrat elected to retain its status as a Crown Colony.

2. Montserrat is situated in the Leeward Islands in the eastern Caribbean, 43 kilometres south-west of Antigua and 64 kilometres north-west of Guadeloupe.

3. The island covers an area of 103 square kilometres. Montserrat is volcanic and very mountainous, with a rugged coastline. There are three mountain ranges: Silver Hills in the north, Centre Hills and the Soufrière Hills in the south. There are hot springs, ravines, black sand beaches and a white sand beach in the north. The vegetation is tropical.

4. In July 1995, the Soufrière Hills volcano, dormant for more than 400 years, erupted with devastating effects and caused the relocation of residents and the evacuation of about 70 per cent of the population from the southern part of the island to the north. The effects of that eruption are still being strongly felt. Montserrat's capital, Plymouth, was abandoned in 1997 after the volcanic activity rendered it uninhabitable. A new town is being developed at Little Bay in the north.[1]

5. The population of the Territory, which reached a peak of 14,333 in 1946, fell after the devastating volcanic eruption in 1995. In 2007, the population was estimated at 5,000,[2] compared to 4,493 in 2001, 10,639 in 1991 and 11,606 in 1980. The overall decline since 1995 in the population figures was attributed to a relocation programme instituted by the territorial and United Kingdom Governments as a means of solving social and economic problems brought on by volcanic activity, and the relocation of residents. The highest proportion of emigrants was from those under 30 years of age.

Note: The information contained in the present working paper has been derived from published sources, including those of the territorial Government, and from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations.

[1] www.caribbeannetnews.com, 16 February 2008.

[2] Ibid., 25 July 2007.

II. Constitutional, political and legal issues

6. Under the Montserrat Constitution Order 1989, which came into force in February 1990, Montserrat has a Governor appointed by the British monarch, an Executive Council, and a Legislative Council.

7. The current Governor of Montserrat, Peter Waterworth, took office in July 2007.[3] The Governor retains responsibility for internal security (including police), external affairs, defence, public service and offshore finance. The territorial Government has asked the United Kingdom to support its request for the appointment of Montserrat's first indigenous Deputy Governor, one of a number of suggested constitutional recommendations that are elaborated on below. Until the details are finalized, a Chief Executive Officer has been appointed in the interim, tasked with ensuring management and reform of the public service.[3]

8. Further, under the Constitution, the British monarch reserves the power, with the advice of the Privy Council, to make laws for the peace, order and good government of Montserrat.

9. The Executive Council currently comprises four Ministers (two men and two women), as well as the Attorney General and a Financial Secretary. It is presided over by the Governor and has responsibility for the general control and direction of government.[4]

10. The Legislative Council consists of nine members. Following elections in 2006, there are three female members (two are Ministers, and the third is the Leader of the Opposition) along with six male members.

11. Elections are held in Montserrat every five years on the basis of universal adult suffrage. The last elections were held on 31 May 2006, using a single-constituency "first past the post" arrangement. According to the administering Power, 3,331 voters were registered and 2,486 votes were cast: a 77 per cent voter turnout (78 per cent in 2001). No party won a clear mandate, and a coalition Government headed by Chief Minister Lowell Lewis (Montserrat Democratic Party) was formed. Other coalition members are the New People's Liberation Movement (three) and one Independent. The opposition holds four seats. The next elections are due in 2011.[5]

12. The law of Montserrat is English common law and locally enacted legislation. It is administered by a Magistrates Court and the Eastern Caribbean Supreme Court. The Eastern Caribbean Supreme Court (Court of Appeal) is an itinerant court established under the West Indies Associated States Supreme Court Order No. 223 of 1967, whose sittings rotate among the Court's nine member States of the Court, including Montserrat.[6] Cases handled by the Supreme Court have recourse of final appeal to the Judicial Committee of the Privy Council.

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[3] Information provided by the administering Power, 14 January 2008.

[4] www.opsi.gov.uk; Lowell Lewis, Uncorrected transcript of oral evidence, to be published as HC 147-i, House of Commons, minutes of evidence taken before the Foreign Affairs Committee, Overseas Territories, Monday 3 December 2007, http://www.publications.parliament.uk/pa/cm200708/cmselect/cmfaff/uc147-i/uc14702.htm.

[5] www.fco.gov.uk.

[6] http://eccourts.org/index.html.

13. The basis of the relationship between the Government of the United Kingdom and its Overseas Territories, including Montserrat, is set out in the White Paper entitled "Partnership for Progress and Prosperity: Britain and the Overseas Territories,"[7] which recognized that the constitutions of the Territories needed to be kept up to date.

14. A Constitutional Review Commission was set up in 2002 under the chairmanship of Sir Howard Fergus. In February 2003, the Governor was presented with the Commission's report, including recommendations for a number of changes to the Constitution. For instance, the report concluded that the proposed change from the imposition of the candidate by the United Kingdom to a more cooperative approach in choosing a Governor would have positive symbolic significance. That report was debated in the Legislative Council in April 2005.

15. The first round of talks between the territorial Government and the Foreign and Commonwealth Office took place in Montserrat in September 2005. A second round of discussions between Montserrat, involving all Legislative Council members, and a United Kingdom Government team took place in February 2006, followed by additional talks in 2006 and 2007. As was previously reported (see A/AC.109/2007/4), media reports indicated that, according to views expressed by a member of the Chief Minister's Constitutional Advisory Committee, the Territory's constitutional revision process did not completely reflect the aspirations and desires of Montserrat's public, which included calls for a dialogue on free association. Another round of negotiations is expected to be held in the course of 2008.[3]

16. Speaking on the subject before the United Kingdom House of Commons Foreign Affairs Committee on 3 December 2007 during the Committee's hearings on Overseas Territories, the Chief Minister informed the Foreign Affairs Committee that a conclusion to the constitutional negotiations might be reached towards the late summer of 2008. However, according to the Chief Minister, a number of outstanding issues remained, for instance on the powers of the Governor and the desire to introduce an advisory council to assist the Governor. According to the Chief Minister, those matters were under continued discussion.

17. In reply to a question on Montserrat's relationship with its Governor, the Chief Minister stated that Montserrat had enjoyed good personal relations with its Governors, but sometimes felt that the current system was "undemocratic" and even at times "humiliating". The Chief Minister cited an example of a situation where the Governor had used his gubernatorial powers to make a territorial Government appointment, ignoring the advice of the political directorate with consequences that the Chief Minister described as "disastrous". Arguing that the authority for the selection of appointments should not rest solely with the Governor, the Chief Minister stressed that it was important for Montserrat to move towards a situation where it had an executive public service commission to handle such matters, and that the Governor should be obliged to act on its advice.[8]

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[7] "Partnership for Progress and Prosperity: Britain and the Overseas Territories", White Paper submitted to the House of Commons on 17 March 1999, by the United Kingdom Secretary of State for Foreign and Commonwealth Affairs; reproduced in A/AC.109/1999/1, annex.

[8] Lowell Lewis, Uncorrected transcript of oral evidence to be published as HC 147-i, House of Commons, minutes of evidence taken before the Foreign Affairs Committee, Overseas Territories, Monday 3 December 2007, http://www.publications.parliament.uk/pa/cm200708/cmselect/cmfaff/uc147-i/uc14702.htm.

18. In March 2008, responding to inquiries from the public about the position of the territorial Government as regards constitutional reform and in an effort to keep the public informed of developments, the Chief Minister announced that the constitutional review process had been postponed until later in the year. According to the Chief Minister, the reason that a postponement had been requested by the territorial Government was that more time was needed. He further stated that ultimately he sought a "pre-independence constitution", emanating from the people of Montserrat themselves, which would allow the Territory to eventually become independent once economic conditions permitted. The Chief Minister went on to say that he would like to exercise the option of moving towards independence through a very simple mechanism, rather than by way of a complicated process. According to the Chief Minister, while Montserrat continued to contribute to the constitutional review exercise, the British Government accepted only "whatever they find suitable" for inclusion in the constitution order under discussion.[9]

19. Meanwhile, media reporting indicated that there was a growing realization that the only constitution Montserrat would be able to achieve was one that was based "not [on] free association, but independence". According to the reporting, this growing realization could be considered one of the reasons that progress in the review exercise was slow.[10]

III. Budget

20. Montserrat's public sector continues to be heavily dependent on budgetary support. Delivering the budget speech in March 2007,[11] the Chief Minister stated that the total budget for 2007 was EC$ 131.1 million,[12] with recurrent expenditure of EC$ 90 million and capital expenditure totalling EC$ 41.1 million. It was estimated that EC$ 51.4 million would be financed by the United Kingdom through budgetary support.[11]

21. As was previously reported (ibid.), during the period 2004-2007 the United Kingdom Department for International Development made 40 million pounds sterling (£) available to Montserrat. The Territory also benefits from various resources made available by the United Kingdom to its Overseas Territories to strengthen disaster management capacity, security and safety at port and airport facilities, capacity for law enforcement and prison management, environmental protection, development of the private sector and the promotion of human rights.

22. According to the administering Power, the ninth allocation of five-yearly funds under the European Development Fund (EDF) provided Montserrat with 11 million euros (€) in budgetary assistance. That figure was increased by €5.6 million in mid-2007. EDF focuses on the services sector, in particular on tourism and communication technologies services. In addition, the tenth allocation of EDF resources is under way, providing Montserrat with approximately €15 million.[3] Moreover, Montserrat stands to benefit from regional support such as the World

[9] www.caribbeannetnews.com, 3 March 2008.

[10] www.themontserratreporter.com, 15 February 2008.

[11] Chief Minister, 2007 Budget Statement, http://www.devunit.gov.ms/budget/2007/BUDGET_SPEECH_2007.pdf.

[12] Montserrat's currency is the Eastern Caribbean dollar (EC$), which is aligned with the United States dollar (US$) (EC$ 2.70).

Bank Caribbean-wide catastrophe insurance pool, which has US$ 47 million to assist the Caribbean, including Montserrat, in the event of a hurricane or earthquake.[13] Also, in 2007, the territorial Government participated fully in the regional programmes available both at the Organization of Eastern Caribbean States (OECS) and the Caribbean Community (CARICOM).[14]

23. In December 2007, the Chief Minister expressed the view that Montserrat needed a lot more assistance as it had lost 80 per cent of its essential infrastructure — for instance, the Territory did not have a port or a courthouse. The Chief Minister sought support for a parliament building in Montserrat.[8]

IV. Volcanic activity and the environment

24. Following the eruption of the Territory's volcano in 1995 after centuries of dormancy, in October 1996, the island was divided into a series of zones based on the scientists' evaluation of the risk to occupants of these areas. Subsequently, those zones were modified to create an exclusion zone comprising roughly the southern two thirds of the island. At the same time, recent volcanic activity has produced a wealth of ash, sand, pumice and aggregates that are mined and collected for domestic use and export when the level of volcanic activity is low.[3] During most of 2007, the Soufrière Hills volcano was in a state of pause and there has been no increase in dome growth since April 2007. The volcano alert level had previously been increased to level 4 (on a scale of 1 to 5) on 24 December 2006, in response to heightened volcanic activity.

25. In February 2007, evacuation alerts were issued for residents of Bishop Lane and an area south of Old Towne.[15] The evacuation orders were revoked in July 2007 following a marked decrease in activity. In the latter part of 2007, there remained a large mass of material on the dome, and scientists believe this to be a sign of a pause rather than a complete cessation of volcanic activity.[3]

26. In 2006 the territorial Government set up a Department of Environment and revised the National Environmental Management Plan with a view to addressing current environmental priorities, meet international environmental obligations and provide a supporting environmental framework to ensure the sustainable development of Montserrat. Moreover, in 2007, the territorial Government established an Environmental Advisory Board and was involved in the revision of environmental legislation, the revision of the national system of protected areas, the improvement of data collection and management to promote environmental decision-making, and the creation of a public education and community outreach programme on the environment.[11]

[13] United Press International, 27 February 2007.
[14] Chief Minister, 2007 Budget Statement; www.caricom.org.
[15] See www.fco.gov.uk, 8 February 2007; see www.giu.gov.ms.

V. Economic conditions

A. General

27. The gross domestic product (GDP) of Montserrat reached approximately EC$ 106.5 million and the per capita GDP was EC$ 22,800 in 2006, the most recent figures available.[16] Economic growth expanded by 3.2 per cent in the same year, compared to the revised growth rate of 1.6 per cent for 2005. The increase in economic activity was attributed to the mining and quarrying, air transport, and government services sectors. The economy of Montserrat is dominated by public sector-led investments and projects. The territorial Government continues to be committed to sustainable development, including identifying and encouraging revenue streams for development by the private sector, as well as to addressing cross-cutting issues such as disaster prevention and management.[17]

28. Volcanic activity and hurricane damage, the resultant movement of population and commercial centres and the attendant socio-economic difficulties continue to create tremendous difficulties for Montserrat. As spelled out in the previous section, budgetary aid from the United Kingdom, as well as other assistance, has been needed since 1995 to support Government programmes.[3] After months of closure, in August 2007, Old Towne has welcomed back residents and visitors to that historic section of Montserrat, reviving economic activity there.[18]

29. According to the administering Power, the economy has approximately 200 business establishments, large and small, in its private sector. Just over 25 per cent of business is involved with the provision of financial, professional, personal and other household services. Wholesale and retail trades and food preparation occupy second and third places, respectively. Retail outlets offer a wide range of foodstuffs and other consumer items. The construction of an industrial park was under way in 2007 to develop the Territory's manufacturing sector. The United States is the principal trading partner of Montserrat.[19]

30. In 2007, the Government of Trinidad and Tobago and the CARICOM Stabilization Fund allocated EC$ 500,000 towards the territorial Government programme that provides grants to small business owners; the grants are expected to improve operations, boost employment opportunities and encourage economic growth in Montserrat.[20]

B. Agriculture

31. The Montserrat Department of Agriculture is working to redevelop agriculture and the other natural resource sectors in the north, using traditional and emerging

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[16] Montserrat country profile, http://www.fco.gov.uk.

[17] Sustainable Development Plan, 2003-2007, www.devunit.gov.ms; Chief Minister, 2007 Budget Statement.

[18] www.caribbeannetnews.com, 13 September 2007.

[19] http://www.devunit.gov.ms.

[20] www.caribbeannetnews.com, 9 May 2007.

techniques and technologies, so as to satisfy local demand and to target specific markets for export of fresh commodities and value added products.[21]

32. As a result of the ongoing volcanic crisis, the majority of fertile agricultural lands, pasture and fishing areas are either restricted or inaccessible. According to the territorial Government, in May 2006, volcanic activity severely devastated the agricultural sector and the Territory's livestock. The estimated value of crop losses was EC$ 600,000. Approximately EC$ 70,000 was offered as cash relief by the territorial Government to affected farmers and backyard gardeners. During 2006-2007, two greenhouses were introduced and commissioned as training facilities for new farming technologies. In 2007, the Department of Agriculture continued to provide a variety of incentives to farmers and fishermen with an emphasis on capacity-building; putting in place supporting infrastructure such as feeder roads to Duck Pond, Blakes Mountain and the Silver Hills; as well as improving agricultural production and animal husbandry. The territorial Government has recognized the need to provide relief to farmers' livelihood being destroyed by severe volcanic ashing.[11]

C. Financial services

33. Two commercial entities, the Bank of Montserrat and the Royal Bank of Canada, and some offshore banks operate in Montserrat providing a range of banking facilities. There has been no activity for the past few years in regard to the incorporation of new banks. Montserrat is a member of the Eastern Caribbean Central Bank, which is based in the neighbouring island of St. Kitts and acts as central bank for Montserrat. Among other functions, the Bank monitors the commercial banks' reserves. Montserrat is part of the Eastern Caribbean Stock Exchange.[22]

34. Individual residents in the Territory are taxed on their worldwide income, from all sources. Also, tax is levied and collected on the chargeable income paid by any incorporated company, building society or body of persons, at the rate of 20 per cent. A surcharge of 50 per cent on every dollar of tax liability is imposed on non-individual taxpayers and to any individual who is not residing in Montserrat but is doing business there.

35. According to the Chief Minister, by the end of 2007 Montserrat had almost completed putting into place legislation that was expected to bring its financial services regime up to date with the international community. The Territory had used expert advice and shared resources, using legislation from CARICOM and other countries. In addition, Montserrat's draft constitution which was under discussion included a section on financial regulation; this was expected to provide all the necessary safeguards for the Territory's financial services sector.[8]

[21] www.malhe.gov.ms.

[22] http://www.devunit.gov.ms/banking.htm.

D. Tourism

36. The redevelopment of the tourism industry is a priority of the territorial Government.[23] Tourism to the island, whose features include the volcano, mountains, nature trails, dark sand beaches, and reefs, has suffered severe setbacks in recent years. Once the most significant contributor to the local economy, the tourism industry has been a major casualty of the island's volcanic activity. However, Montserrat is now trying to turn the fact that it has an active volcano into a selling point by promoting adventure tourism.[24]

37. Whereas the tourist sector in general performed poorly during 2006-2007 in terms of tourist arrivals and receipts, cruise ship and yacht passenger arrivals increased by 56.9 and 39.3 per cent, respectively, as a result of the visit of larger vessels.[25]

38. A ferry service operates twice daily six days a week. It takes about one hour to reach Antigua and Barbuda, where connecting flights to all parts of the world are available. A Government-owned regional airline, founded in 1961, provides daily flights between the Territory and Antigua or St. Maarten/St. Martin. There is also a helicopter service to the international airport of Antigua and Barbuda.[26]

E. Construction, housing and utilities

39. The construction sector, which is a major contributor to economic activity in Montserrat, shrunk by 5 per cent during 2006.[11] Two public sector projects, the housing development project in Look Out funded by the European Union and the public market in Little Bay (a four-phase project to be completed over a 10-year period with United Kingdom and European Union assistance), were under way at the beginning of 2008.[3,11]

40. The Vision 2010 Strategy for Housing developed in 2006 led during 2006-2007 to the establishment of a Housing Unit and a Housing and Land Allocation Committee. Its role is to advise the Executive Council concerning the allocation of houses built for the Look Out, Drummonds and Shinnlands housing projects, as well as vacant units registered under the territorial Government's housing stock. Moreover, a housing incentives programme offering financial assistance to individuals unable to secure mortgage financing was introduced during 2006-2007. During the same period, a National Emergency Response Resettlement Strategy was developed to respond to the volcanic threat to areas south of the Nantes River.[11]

41. The Little Bay seaport operates a temporary emergency jetty constructed in 1997 to handle rapid evacuation of the population. All cargo destined for the island is still required to pass through this small, temporary facility. Antigua and Barbuda and Montserrat are working together to establish permanent modern joint ferry

[23] www.devunit.gov.ms/tourism.

[24] Oxford Analytica, 13 December 2007, www.oxan.com.

[25] Chief Minister, 2007 Budget Statement; Economic and Financial Review, Eastern Caribbean Central Bank, June 2007.

[26] www.devunit.gov.ms/transcomms; www.fco.gov.uk; www.fly-winair.com.

docking facilities.[27] In 2008, a grant of over US$ 3 million was approved under the CARICOM Regional Development Fund supporting the development of a small-scale marina and seaside development at Little Bay.[28]

42. The Montserrat Electricity Services and the Montserrat Water Authority were brought together in 2007 as Montserrat Utilities Limited, which is responsible for the distribution of water and electricity throughout the inhabited portion of the island.[29] The entire population has access to Montserrat's plentiful supply of good potable water (about 98 per cent are linked). The Government continued to examine how the best use can be made of this valuable resource and to monitor rainfall across the island to gain a better understanding of the sustainability of local springs.[11]

43. With regard to the communications sector, Cable and Wireless, under licence, provides a modern telephone system comprising a wired capacity in excess of 2600 lines.[30] According to the administering Power, the licence expired in April 2007. The Government continues to aim for a degree of market liberalization, and negotiations are under way to push this forward. Electronic mail is widely used, making communications relatively easy. Asymmetric digital subscriber line is gradually being introduced. There is a regular mail service between Montserrat and all countries.[31]

VI. Social conditions

A. General

44. The volcanic crisis has had a profound effect on traditional social structures and support systems, with many families and communities split up and relocated in different parts of the world. According to the administering Power, a large percentage of Montserratians are struggling to get by. The Government has had to develop and fund substantial social welfare and social development services, including for the high number of vulnerable elderly people who remain on the island. The estimated expenditure for welfare and development services in 2006 was approximately EC$ 3.9 million.[11]

45. According to the territorial Government, social welfare financial assistance was provided to an average of 268 households and 303 individuals on- and off-island during 2006. An average of 95 households received rental assistance during 2006, mostly in Look Out. The entire programme cost approximately EC$ 2.5 million.[11]

46. In 2007, the Government launched the Montserrat Country Poverty Assessment exercise aimed at assessing the conditions affecting the welfare of the population and identifying policies, strategies and action plans that would help reduce poverty in the Territory, while enhancing its social development and the

[27] www.caribbeannetnews.com, 26 February 2007.
[28] Ibid., 5 March 2008.
[29] www.giu.gov.ms, 5 February 2008.
[30] www.devunit.gov.ms/transcomms.
[31] Information provided by the administering Power, 14 January 2008; Chief Minister, 2007 Budget Statement; caribbeannetnews.com, 16 March 2007.

quality of life. Under the theme "Is it poverty or hardship? Defining poverty in Montserrat", a workshop was held on 3 October 2007 in Little Bay, bringing together a wide cross-section of persons from the private sector, Government and community-based organizations.[32] Earlier in 2007, a new 700-seat state-of-the-art cultural centre was opened.[33]

B. Labour

47. According to the administering Power, the working population of Montserrat stands at about 2,000, estimated as comprising approximately 40 per cent nationals and 60 per cent non-nationals. Montserrat maintains a positive industrial relations climate, within which every effort is made to ensure that workers, unions, employees and other stakeholders in the economy work together to achieve national development goals. Labour relations are governed by the Employment Ordinance No. 19 of 1979, under which the Labour Department continues to provide conciliation services, with the Labour Tribunal settling disputes.[34]

48. The territorial Government indicated that in 2007 financial incentives were being offered to returning nationals who had resided elsewhere for three or more years and had decided to return to Montserrat to live. The Government said persons eligible under that policy would be granted duty and consumption tax reductions on all personal belongings and household items, as well as on one motor vehicle per family. It was also extending tax reductions to persons returning with items directly related to their business activities, including tools of trade and capital items such as equipment and appliances required for a start-up or business expansion.[35]

49. According to the territorial Government, there continues to be a shortage of skilled labour, a problem that is being addressed by the granting of work permits to non-nationals. The territorial Government facilitates the active recruiting of skilled labour, both professional and otherwise, to meet demand.[36]

C. Education

50. The Montserrat Department of Education is responsible for the development and provision of educational and training programmes intended to enable its citizens to acquire skills that can contribute positively to the future of the Territory.[37]

51. According to the administering Power, Montserrat has good educational infrastructure, with 100 per cent access to primary and secondary education. The Montserrat education system is broadly based on the British system. The Department of Education is structured into several specialized organizational segments throughout the various stages of education: Early Childhood Education, Primary Education, Secondary Education, Post-Secondary Education, Special Needs, Teacher Training, as well as Education Support Services. There are several

[32] www.themontserratreporter.com, 15 October 2007.
[33] www.caribbeannetnews.com, 15 May 2007.
[34] www.devunit.gov.ms/labour.
[35] www.caribbeannetnews.com, 19 May 2007.
[36] www.devunit.gov.ms/business.
[37] http://www.mehcs.gov.ms.

Government day-care facilities and nursery schools, and one privately owned early childhood facility. Of the three primary schools, one is privately owned. The Government-owned Montserrat Secondary School is the only secondary school. Education and related services accounted for 8 per cent of the recurrent 2007 budget estimates. The territorial Government continues to implement the Education Development Plan covering the period 2004-2009.[11]

D. Health

52. The Territory's Department of Health is responsible for providing primary and secondary health services to Montserrat, along with health-related policy advice to the territorial Government.[37]

53. According to the administering Power, Montserrat has modern health facilities, which include the 30-bed St. John's Hospital in the north, which is able to cover all routine health issues, X-rays and minor operations, as well as several primary care clinics. Facilities are in place for emergency medical evacuation to Antigua and Guadeloupe. During 2007, approximately 8 per cent of the recurrent budget and 9 per cent of the capital budget was allocated to that sector. The territorial Government continued to provide free dental clinical emergency services for school-age children, the elderly, pregnant women and certain Government staff.[11]

54. 2007 estimates put life expectancy in the Territory at 79 years for the whole population, approximately 77 years for males and 81 years for females.[38]

E. Human rights

55. Under the Territory's Constitution, provision is made regarding the fundamental rights and freedoms of the individual.[39] According to the administering Power,[5] the following international human rights instruments have been extended to Montserrat: the European Convention on Human Rights; the International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; and the International Convention on the Elimination of All Forms of Racial Discrimination. There have been few, if any, complaints of discrimination on the basis of race or religion. Equally, few problems of cultural relations exist, although inward and outward migration has had some impact on social conditions as increased diversity produces new challenges. There is no discrimination on the basis of sex in the implementation of articles 2 and 3 of the International Covenant on Civil and Political Rights.

56. Montserrat's human rights committee, established by the Executive Council, helps fulfil the territorial Government's responsibilities in meeting the reporting requirements under various international conventions; monitors the implementation of the relevant conventions; and advises the Government on matters related to human rights. According to the administering Power, Montserrat continues to make efforts to educate and improve awareness in the Territory on human rights issues.[3]

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[38] Central Intelligence Agency, *The World Factbook*, www.cia.gov.

[39] www.opsi.gov.uk.

F. Crime and public safety

57. In 2007, the territorial Government recognized an "upsurge in youth crime, violence and ill-discipline" and stated that education and training could help address that situation. For its part, the Police and Fire Department aimed at reducing crime through monitoring and enforcing drug trafficking offences; detecting money-laundering and financial fraud; improving border controls; enhancing road safety; and continuing community policing programmes. Moreover, in view of a long period of drought, enforcement officers were expected to be vigilant in ensuring that members of the public acted in a manner that would not lead to major fire hazards.[11]

58. In November 2004, a new prison facility was opened in Brades. According to the administering Power, at the end of December 2007, the total prison population was 12.[3] Under the Parole of Prisoners Act 2004, a Parole Board reviews cases for release into the community on licence, and makes recommendations to the Governor. Most criminal offences are dealt with under the Penal Code of Montserrat, revised in 2002.

59. The Royal Montserrat Police Force has a fully functioning police headquarters within the Government headquarters complex at Brades, as well as two substations and a marine unit.[40]

VII. Relations with international organizations and partners

60. Montserrat is an associate member of the Economic Commission for Latin America and the Caribbean and its subsidiary bodies. The Territory receives some support from the United Nations Development Programme.

61. Montserrat is a member of CARICOM and OECS, as well as of the institutions associated with those organizations, including the University of the West Indies, the Caribbean Development Bank and the Eastern Caribbean Central Bank Union. According to the administering Power, Montserrat has expressed a desire to participate in the CARICOM Single Market and Economy.[3]

62. As a Non-Self-Governing Territory of the United Kingdom, Montserrat is associated with the European Union but is not a part of it. According to information provided by the administering Power, Montserrat is considering joining the Caribbean Economic Partnership Agreement, which is a trade agreement recently negotiated between CARICOM and the European Union.[3]

63. At the Overseas Territories Consultative Council meeting held in London on 4 and 5 December 2007, the United Kingdom and the Overseas Territories represented at the Council, including Montserrat, agreed to extend the United Nations Convention Against Corruption, to all the Overseas Territories at the earliest opportunity, as well as setting a date of June 2008 for the extension of the International Labour Organization Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Convention No. 182), and December 2008 for the extension of the Convention on the Elimination of all Forms of Discrimination against Women, to all the Overseas Territories.[5]

[40] gov.ms/ministries/police.htm.

VIII. Future status of the Territory

A. Position of the territorial Government

64. The position of the Government of Montserrat on constitutional reform is set out in section II above, which deals with the ongoing constitutional negotiations between Montserrat and the Government of the United Kingdom.

B. Position of the administering Power

65. In a statement made on 11 October 2007, at the 5th meeting of the Special Political and Decolonization Committee (Fourth Committee), during the sixty-second session of the General Assembly (see A/C.4/62/SR.5), the representative of the United Kingdom inter alia said that "her Government, as administering Power for 10 Non-Self-Governing Territories, gave every help and encouragement to those Territories which wished to proceed to independence, where that was an option. Her Government and its overseas territories continued to work towards the shared goals of security, stability and sustainable political and economic development, democracy, good governance and the rule of law ... Her Government carefully considered all proposals for constitutional change received from the Territories".

66. As was previously reported (see A/AC.109/2007/3), in a statement made on 24 April 2006, the United Kingdom Overseas Territories Minister took stock of the relationship between the United Kingdom and the Overseas Territories seven years on from the 1999 White Paper entitled "Partnership for Progress and Prosperity: Britain and the Overseas Territories".[41] An elaboration of the United Kingdom's position on alternative forms of relationship, as set out in General Assembly resolution 1541 (XV), has been previously provided (ibid.).

C. Action taken by the General Assembly

67. On 17 December 2007, the General Assembly adopted, without a vote, resolutions 62/118 A and B, based on the report of the Special Committee transmitted to the General Assembly[42] and its subsequent consideration by the Special Political and Decolonization Committee (Fourth Committee) (A/62/412). Section VII of resolution 62/118 B concerns Montserrat. Under that section's operative paragraphs, the General Assembly:

> 1. *Welcomes* the intention of the territorial Government to negotiate improvements to the present Constitution so as to preserve its ability to move towards greater self-determination at a later stage, and to publish and discuss publicly the Constitution when a final draft, which was expected in the first quarter of 2007, is ready;
>
> 2. *Requests* the administering Power to assist the Territory in facilitating its work concerning public outreach efforts, consistent with

[41] "Partnership for Progress and Prosperity: Britain and the Overseas Territories", White Paper submitted to the House of Commons on 17 March 1999, by the United Kingdom Secretary of State for Foreign and Commonwealth Affairs; reproduced in A/AC.109/1999/1, annex.

[42] *Official Records of the General Assembly, Sixty-second Session, Supplement No. 23* (A/62/23).

Article 73 *b* of the Charter of the United Nations, and calls upon the relevant United Nations organizations to provide assistance to the Territory, if requested, in the context of its public outreach efforts;

3. *Calls upon* the administering Power, the specialized agencies and other organizations of the United Nations system, as well as regional and other organizations, to continue to provide assistance to the Territory in alleviating the consequences of the volcanic eruption.